

# **A G E N D A**

## **Ordinary Council Meeting**

**Council Chambers,  
36 Weld Street  
Hokitika**

**Thursday 25 January 2018  
commencing at 11.00 am**

His Worship the Mayor R.B. Smith  
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin  
Crs D.L. Carruthers, R.W. (G) Eatwell, D.M.J. Havill ONZM,  
J.A. Neale, G.L. Olson, D.C. Routhan.



# ORDINARY COUNCIL MEETING

**AGENDA FOR AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 25 JANUARY 2018 COMMENCING AT 11.00 AM**

*18 January 2018*

## **COUNCIL VISION**

Westland District Council will facilitate the development of communities within its district through delivery of sound infrastructure, policy and regulation.

### **Purpose:**

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
- (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

## Health & Safety Snapshot

	Accidents	Incidents	Near Misses
December 2017	0	1	0
January 2018	0	0	0

### **1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:**

#### **1.1 Apologies & Leave of Absence**

#### **1.2 Interest Register**

### **2. CONFIRMATION OF MINUTES:**

#### **2.1 Ordinary Council Meeting – 14 December 2017**

(Pages 6-13)

### **3. PRESENTATIONS:**

#### **3.1 Citizenship Ceremony:**

12 noon – Citizenship Ceremony 9 candidates will be in attendance to receive a certificate from His Worship the Mayor, on behalf of Internal Affairs.

*Lunch from 12.30 pm to 1.00 pm.*

### **4. ACTION LIST:**

*The Action List is attached.*

(Pages 14-16)

### **5. REPORTS FOR INFORMATION:**

#### **5.1 Planning Update Through December 2017**

(Pages 17-21)

*- Group Manager: Planning, Community & Environment*

### **6. REPORTS FOR DECISION:**

#### **6.1 CCO Amalgamation –Outcome of the Special Consultative Procedure**

(Pages 22-43)

*- Group Manager: Corporate Services*

#### **6.2 Occupations On Unformed Legal Road**

(Pages 44-88)

*- Group Manager: Planning, Community & Environment*

- 6.3 **Variation to Specified Places in Liquor Bans Bylaw**  
 - *Group Manager: Planning, Community & Environment*

(Pages 89-105)

## 7. ITEMS FOR DISCUSSION:

- 7.1 **Marks Road - update**  
 - *Group Manager: Planning, Community & Environment*
- 7.2 **Old Christchurch Road - Traffic**  
 - *Group Manager: District Assets*
- 7.3 **Priority 1 Projects**  
 - *Group Manager: District Assets*
- 7.4 **Franz Josef Water Supply**  
 - *Group Manager: District Assets*
- 7.5 **Community Communications – E Txt**  
 - *Deputy Mayor Lash and Communications Advisor*
- 7.6 **Motorhome Friendly Town**  
 - *Group Manager: Planning, Community & Environment*

## 8. MATTERS TO BE CONSIDERED IN THE ‘PUBLIC EXCLUDED SECTION’:

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

- 8.1 **Confidential Minutes – 14 December 2017**
- 8.2 **Proposed Structure of the Museum – Cr Carruthers**

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this
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				<b>resolution</b>
8.1	Confidential Minutes – 14 December 2017	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1(a) & (d))
8.2	Verbal Report to Council	Proposed Museum Structure	Good reasons to withhold exist under Section 7	Section 48(1(a) & (d))

**Date of next Ordinary Council Meeting – 22 February 2018  
to be held in the Council Chambers, 36 Weld Street, Hokitika**

MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 14 DECEMBER 2017 COMMENCING AT 11.00 AM

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## 1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER

### 1.1 Members Present

His Worship the Mayor R.B. Smith (Chair)  
Deputy Mayors Crs H.M. Lash and L.J. Martin (until 12.51 pm)  
Crs D.L. Carruthers, R.W. (G) Eatwell, D.M.J. Havill (ONZM), J.A. Neale, G.L. Olson, Cr D.C. Routhan.

### Apologies

Nil

### Also in Attendance:

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services; J.D. Ebenhoh, Group Manager: Planning, Community and Environment; D.M. Maitland, Executive Assistant.

### 1.2 Interest Register

The Interest Register was circulated and one amendment was made to Cr Havill's Interest.

## 2. CONFIRMATION OF MINUTES:

### 2.1 Ordinary Council Meeting – 23 November 2017

Moved Deputy Mayor Martin, seconded Cr Olson and **Resolved** that the Minutes of the Ordinary Council Meeting, held on the 23 November 2017 be confirmed as a true and correct record of the meeting.

The following items were taken out of order to the agenda papers:

#### 4. ACTION LIST:

His Worship the Mayor went through the Action List in the Agenda and various amendments and updates to the list were provided.

Moved Cr Havill, seconded Cr Neale and **Resolved** that the Action List as amended be received.

#### 5. REPORTS FOR DECISION:

##### 5.1 2018 Council Meeting Schedule

*The Chief Executive advised that the purpose of the report is to provide a listing of Council Meetings for 2018 for confirmation by Council.*

Moved Deputy Mayor Lash seconded Deputy Mayor Martin and **Resolved** that the schedule of Council Meetings for 2018 be adopted as follows:

Month	Meeting Date	Venue
January	25	Chambers
February	22	Chambers
March	22	Chambers
April	26	Chambers
May	24	Chambers
June	28	Chambers
July	26	Chambers
August	23	Chambers
September	27	Chambers
October	25	Chambers
November	22	Chambers
December	13	Chambers

## 5.2 New Zealand Ute Muster Event in Hokitika

*His Worship the Mayor advised that the purpose of the report is to outline a proposal for what could be the West Coast's newest and biggest annual event. The New Zealand Ute Muster would be a four day event that celebrates things unique to the West Coast culture including utes, camping in the outdoors, West Coast food, rivalry and competition. The Mayor further advised that the event needs approval to use Cass Square for its Trade Fair and Sunset Point for camping and assembly facilities.*

Moved Cr Havill, seconded Cr Routhan and **Resolved** that:

- A) Cass Square and Sunset Point be the event venues for the New Zealand Ute Muster.
- B) A new permanent full-time position for an Events Manager be created at Council to oversee all Council's event offerings.
- C) A financial budget be prepared and presented to Council of forecast costs for the event.
- D) The event be held each year at Easter Weekend with the inaugural event to be held in 2018.
- E) The event be consulted on through the following platforms: Council's Facebook page, a notice on Council's Website, a Statement of Proposal being advertised in the Hokitika Guardian and conversations with local business owners and relevant stakeholders to assess support for the event and financial support (such as sponsorship).

## 5.3 Major District Initiative (MDI) Funding For The Kumara Chinese Miners' Memorial Reserve

*The Community Development Advisor advised that the purpose of the report is to update Council on Major District Initiative (MDI) funding for the Kumara Chinese Miners' Memorial Reserve (KCMR) and to recommend that Council confirm MDI funding for the project. He further advised that there were 175 submissions received for the project, with 171 received in support and 4 submissions received against the project.*

Moved His Worship the Mayor, seconded Deputy Mayor Martin and **Resolved** that the submissions on the MDI funding for the Kumara Chinese Miners' Memorial Reserve be received.



Moved Cr Havill, seconded Deputy Mayor Lash and **Resolved** that Council confirms the Major District Initiative (MDI) allocation of \$68,709 to the Kumara Residents Trust for the Kumara Chinese Miners' Memorial Reserve.

Cr Routhan recorded his vote against the motion.

#### **5.4 Westland Industrial Heritage Park Building Construction**

*The Finance Manager advised that the purpose of the report is to seek approval from Council as per the Memorandum of Understanding, for the construction of a new building by Westland Industrial Heritage Park (WIHP) on Council-owned land.*

Deputy Mayor Lash asked that there be an addition to Item 3.1.3 of the Report to Council from the Group Manager: Corporate Services "...and built to the Building Code."

Moved Cr Olson, seconded Cr Routhan and **Resolved** that Council approve the construction of the building to house a collection of historic fire engines by WIHP on Council-owned land.

#### **5.5 Heating for the Harihari Community Swimming Pool**

*The Community Development Advisor advised that the purpose of the report is to advise that there is funding available to heat the Harihari Community Swimming Pool with a boiler heating system.*

Moved Cr Deputy Mayor Lash seconded Cr Neale and **Resolved** that Council approves funding for the proposed boiler heating system at the Harihari Community Swimming Pool from the carryover of Harihari's 2016-2017 Township Development Funding of \$9,000 and \$52,668.75 from the Harihari Complex Reserve Fund that currently contains \$128,000.

It was noted by Cr Routhan that enclosure of the pool might improve efficiency.

## **6. REPORTS FOR INFORMATION:**

### **6.1 Planning Update Through November 2017**

*The Senior Planner advised that the purpose of the report is to provide an ongoing series of monthly reports to the Council on its planning activities under the Resource Management Act 1991, including resource consent processing, monitoring and enforcement, and policy development including the review of the Westland District Plan.*

Moved Deputy Mayor Lash, seconded Cr Neale and **Resolved** that Council receive the report and adopt, following the Special Consultative Procedure, the proposed \$300 deposit for boundary activities and marginal or temporary activities as defined by recent amendments to the Resource Management Act 1991.

### 3. PRESENTATIONS:

#### 3.1 Community Volunteers:

The following people were then presented with various awards:

- **Dr Anna Dyzel – Westlander of the Year Award for 2017 (Community)**

In recognition of significant and meritorious service to the benefit of Westland during 2017.

- **Evan Birchfield – Westlander of the Year Award for 2017 (Commercial)**

In recognition of significant and meritorious service to the benefit of Westland during 2017.

- **Peter Nancekivell – Community Service Award**

In recognition of significant and meritorious service to the benefit of Westland during 2017 for the Christmas Lights Project and Leading the Hokitika Lions Club.

- **Inger Perkins – Westlander of the Year Award for 2017 (Environmental)**

In recognition of significant and meritorious service to the benefit of Westland during 2017.

- **Hamish Tomlinson – Hokitika Lions Club - Westland Young Achiever Award**

In recognition of his assistance with community projects and groups and relating to both the arts and culture and community involvement.

- **Jack Marcotte – Hokitika Lions Club and Westpac Bank – Westland Young Achiever Award**

Arts and Culture Award for writing “Jack and Charlie: Boys of the Bush” which won the New Zealand Children’s Book Awards – the Elsie Locke award for non-fiction.

*The meeting adjourned for lunch at 12.30 pm and reconvened at 12.51 pm.*

*Deputy Mayor Martin was an apology for the remainder of the meeting.*

## 7. ITEMS FOR DISCUSSION:

### 7.1 Motorhome Friendly Town

The Group Manager: Planning, Community and Environment advised that Hokitika will qualify as a motorhome friendly town and that a report to Council will be tabled at the January Council Meeting. It was noted that there will need to be a more proactive provision for campervans and where camping will be permitted in Hokitika.

A potable water supply is now available at Two Mile, north of Hokitika.

#### **Action Item:**

- Cr Carruthers suggested a report come back to Council to get the Council's formal backing for being a Motorhome Friendly Town.

### 7.2 Licences to Occupy on Unformed Legal Road

Cr Eatwell noted his concern regarding some practices involving unformed legal road and the promotion of baches on legal road in Haast and the Wanganui River.

#### **Action Items:**

- A report to the January Council Meeting required on baches on legal road.
- Investigate a potential increase in the licence fee for new baches.
- Any new licences to come back to the Chief Executive for approval.
- Input from Quotable Value (QV) required.

### 7.3 Ross Water Supply

Deputy Mayor Lash asked that Council improve on the level of communication with the Ross Community.

It was noted that there was a visit to the Ross Water Supply with Elected Members, Council staff, Westroads staff and a member of the Ross Community Association. The Ross community were congratulated on how they have managed to conserve water. Cleaning of the membranes at the water supply will be postponed to early in the New Year as it requires a two-day process. It was noted that the size of the water supply plant at Ross is currently adequate and that operationally, the water supply is run very well.

A discussion was held regarding Elect Mining representative who have advised that they will be looking at making a contribution to the local community pending outcomes of investigations.

A discussion was then held regarding Land Information New Zealand (LINZ) land and a local resident locking a gate.

#### **7.4 Franz Josef Wastewater Treatment Plant**

It was noted that the proposal for the Franz Josef Wastewater Treatment Plant will include a new extra pond with disbursement into a field rather than the Waiho River and feedback on the technical advice is being sought.

The Chief Executive then provided a breakdown of the costs for the Waiho River flood wall.

#### **7.5 Remuneration Authority - Submissions due 15 December**

The Chief Executive reminded Council that submissions on the Remuneration Authority Review are due on the 15 December 2017.

#### **7.6 Carry Forwards**

The Chief Executive tabled a copy of Priority 1 Projects for the next 10 years. The projects are either urgent works, will have significant benefit for the region, or are required to be undertaken for health and safety reasons as a priority. It was noted that the list however does not include roading, and that one project that is not on the list is the Hokitika Wastewater Project for which a business case will be prepared.

#### **7.7 Sunset Point**

The Chief Executive publicly thanked the contractors involved in the restoration work undertaken at Sunset Point, noting that carparking, toilets and beautification work, among other items, will still need to be undertaken to complete the project.

### **8. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION':**

Moved Cr Routhan, seconded Cr Havill and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 2.03 pm.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

#### **8.1 Confidential Minutes – 23 November 2017**

#### **8.2 Proposal to sell part of Marks Road Recreation Reserve**

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of

the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
8.1	Confidential Minutes – 23 November 2017	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
8.2	Report to Council	Proposal to sell part of Marks Road Recreation Reserve	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)

This resolution is made in reliance on Section 48(1)(a) and 48(2)(a)(i) and (ii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

No.	Item	Section
8.1	Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and  Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(ii)  Section 7(2)(a)
8.2	Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(ii)

Moved Cr Olson, seconded Cr Routhan and **Resolved** that the business conducted in the “Public Excluded Section” be confirmed, and accordingly the meeting went back to the open part of the meeting at 3.39 pm.

**Date of next Ordinary Council Meeting – 25 January 2018  
to be held in the Council Chambers, 36 Weld Street, Hokitika**

**MEETING CLOSED AT 3.39 PM**

Confirmed by:

\_\_\_\_\_  
**Mayor Bruce Smith**  
**Chair**

\_\_\_\_\_  
**Date**

# Council Meetings - Action List

Date of Meeting	Item	Action	Who Responsible	Timeframe	Status
27.04.17	Household Street Access	Change in policy from sealing driveways to concreting driveways when a street is upgraded or a new house is built. Staff to provide a revised policy on a way forward, including costings.	GMDA		<p>Two driveways in Rolleston Street were approved to be concreted.</p> <p>The policy requires an addendum to NZ 4404</p> <p>Staff are working on the policy to come back to Council in early 2018.</p>
29.05.17	Freedom Camping	CE to work with Buller and Grey District Councils and Tasman District Council to develop a freedom camping policy for the West Coast.	CE		<p>Referred to the Long Term Plan.</p> <p>Discussion regarding Hokitika becoming a motorhome friendly town.</p> <p>The Property and Projects Supervisor has been identifying areas at Sunset Point where a number of campervans could be accommodated.</p> <p>Cr Carruthers suggested that other township areas could be motorhome friendly towns.</p> <p>Potable water supply has been installed and signposted at Three Mile (oxidation ponds).</p> <p>Feedback awaited from NZMCA on motorhome friendly town eligibility. Formal report to Council in January 2018 will allow Council to resolve to seek MHF status for Hokitika and other Westland towns with support from the relevant community associations.</p> <p>Council already has a Freedom Camping Policy (on website) but no Bylaw, and no Bylaw is intended at this time.</p>

Date of Meeting	Item	Action	Who Responsible	Timeframe	Status
24.08.17	Living Wage	Policy to be developed on paying of living wage to employees.	GMCS		A Living Wage Policy to be developed and come back to Council in 2018.
28.09.17	Delegations Manual	Update to delegations to Standing Committees to reflect the Terms of Reference for the Dog Control Hearing Committee	CE		Delegations updated. Fee proposal to come back to the January/February Council Meeting.
28.09.17	West Coast Wilderness Trail	Funding shortfall of \$350,000	GMDA		<p>Work is underway on the Kaniere Tram section bridges.</p> <p>Cr Routhan to be provided with a copy of the West Coast Wilderness Trail Report.</p> <p>Bridges are under construction for the Kaniere Tram section. Delays in the engineering side, may be completed before Christmas 2018.</p>
28.09.17	Mint Creek Livestock Water Scheme	Meeting of the Working Group	HWM/CE		<p>A meeting of the group was held.</p> <p>This item is currently back with Council for further action.</p>
26.10.17	Hokitika Lions Club	Send letter advising of decision of Council regarding Colin Adams Memorial	GMDA		<p>A letter has been sent to the Hokitika Lions Club.</p> <p>The Hokitika Reserves and Environs Group would like to be the conduit for items such as this, and they would then provide a recommendation to Council.</p> <p>A new location is being considered in Kaniere .</p>

Date of Meeting	Item	Action	Who Responsible	Timeframe	Status
26.10.17	MDI Funding Decisions	Letter to Community Groups advising of Council's decision and contact Development West Coast	GMPCE		This item was completed. The Kumara Community Group asked that Council undertake consultation around their item before being formally approved by Council. This is addressed in a report to 14 December Council meeting.
26.10.17	Legal Road – Wanganui River/La Fontaine, Harihari	Report to November Council Meeting.	GMDA		Future Council Agenda Item.
23.11.17	Transfer of land at Haast for management purposes	Transfer Section 1 SO 364887 to Westland District Property Limited for management purposes with the intention of leasing it for development for grazing.	GMDA		Advise WDPL of the decision of Council.  Cr Routhan asked that Council look more closely at looking at selling the land.  CE to ask the WDPL for any sale potential of the land.
23.11.17	Inspiring Stories – Backing New Zealanders	Council supported the concept in principle and allocated staff resources in working with service groups on where the concept could be funded from.	GMPCE		Update on funding sources required.  Work in progress by Community Development Advisor



# Report



**DATE:** 18<sup>th</sup> January 2018  
**TO:** Mayor and Councillors  
**FROM:** Planning Manager

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## PLANNING UPDATE THROUGH DECEMBER 2017

### 1 BACKGROUND

1.2 Since February, the Council has received written monthly reports covering the matters below, which are also the subject headings for this month's report:

- Resource consent applications received, by type
- Resource consents issued, by type, and compliance with statutory timeframes
- Resource consent applications notified (limited or full public), by type
- Resource consent applications that went to or are going to a hearing (due to submitters wishing to be heard)
- Status of significant resource consent applications not otherwise covered by the above
- Commissioners
- Significant compliance monitoring and enforcement activity
- Progress with the District Plan Review
- Process improvements of note
- Resourcing issues
- RMA Amendments

2.1 Like monthly financial reports, the monthly planning report focuses on the previous calendar month – in this case the month ending 31 December.

### 2 CURRENT SITUATION

#### 2.1 Resource consent applications received

2.1.1 A total of 9 complete applications were received in December 2017, down from 10 in November.

2.1.2 In terms of their activity status under the District Plan:

- Four are for discretionary activities, being:
  - A gun range in the Rural Zone at Waiho Flat Road, Franz Josef
  - A three lot subdivision at Kaihinu, Kumara Junction Highway
- Two are controlled activities being a dwelling in the Rural Zone at Cook Flat Road, Fox Glacier and a four lot subdivision at Kaniere Road.
- Three are non-complying, being:
  - Off-site signs at State Highway 6, Ross
  - A shed exceeding height limits at Johnston Crescent, Okuru
  - A waiver of onsite carparking requirements for up to 30 carparks at Revell Street

2.1.3 Further details of each application received are not provided in this report but have been included in the weekly e-mail updates to Elected Members on the consents received. The updates include the name of the applicant, the location, and the proposed activity.

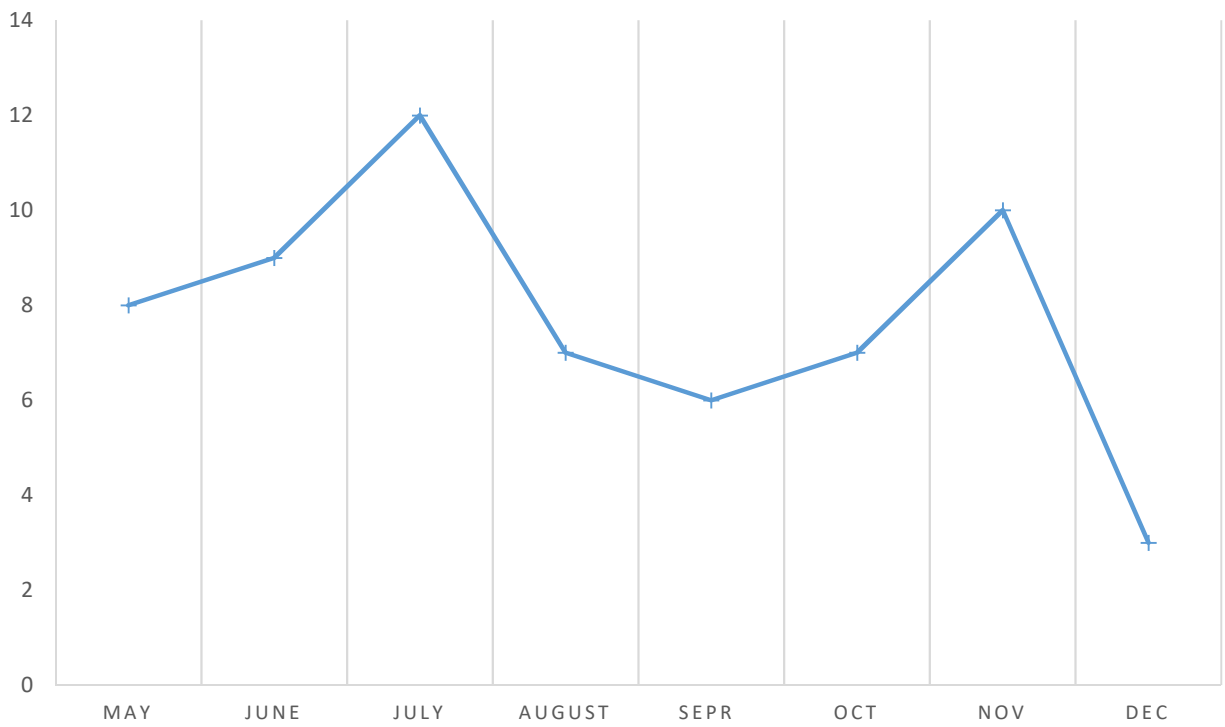
## **2.2 Resource consents issued**

2.2.1 A total of three consents were issued in December. The breakdown of these consents is as follows:

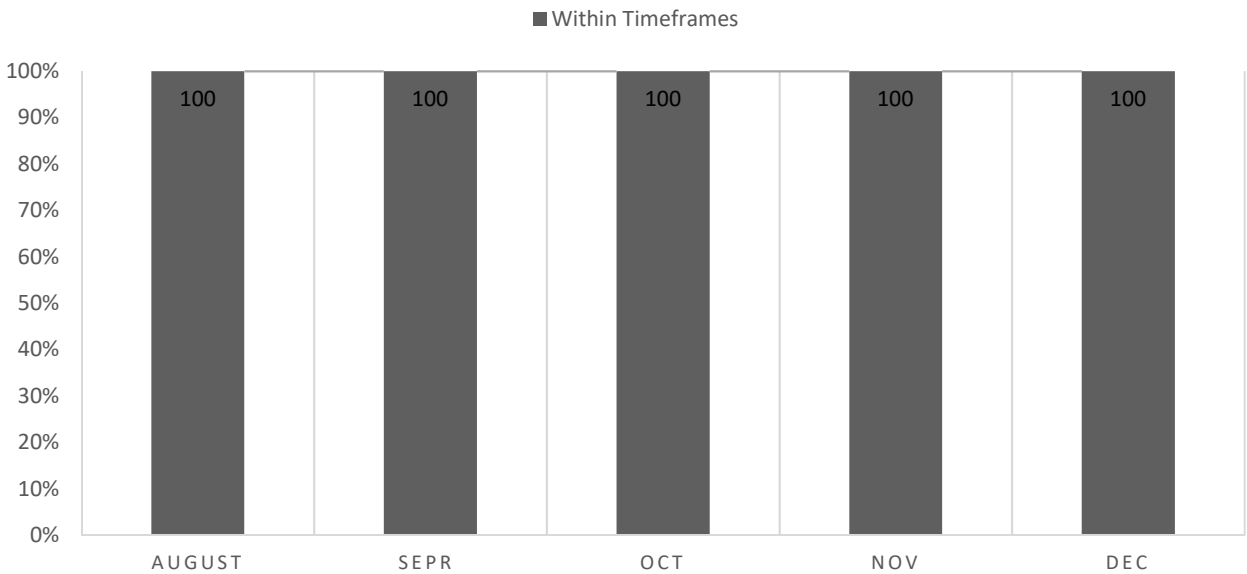
- Westland District Council – modification to historic Mahinapua Bridge for use as part of the cycle trail
- MW & PC Browne – front yard setback reduction for a shed at Aylmer Street, Ross
- PA Farr – side yard setback reduction for a dwelling at Jackson Bay Road, Hannahs Clearing

2.2.2 Compliance of processing timeframes achieved 100% for November.

## APPLICATIONS GRANTED PER MONTH



## APPLICATIONS GRANTED, BY TIMEFRAMES (%)



### 2.3 Resource consent applications notified

2.3.1 In December, no applications were limited notified.

- 2.3.2 No applications were fully publicly notified in December, or in the calendar year 2017 to date.

### **Resource consent applications that went to or are going to a hearing**

- 2.3.3 A pre-hearing meeting is to take place for New Zealand Motor Caravan Association scheduled for 24<sup>th</sup> January. This will be facilitated by Councillor Lash as an independent party with an aim to resolve issues between the applicant and submitter.
- 2.3.4 Environment Court issued a consent order on the 19<sup>th</sup> December to AR & DK Godfrey Family Trust. This was as a result of previous mediation, whereby both appellants and applicants offered compromises resulting in a determination by Environment Court that the resource consent can proceed with conditions.

### **2.4 Significant compliance monitoring and enforcement activity**

- 2.4.1 Land use consent conditions for Nelson Petroleum Distributors new self service station is being worked through at present.
- 2.4.2 Signage compliance for unauthorised signs present along the State Highway network has not yet commenced. This is purely a timing issue with stretched resources until the new Planner starts and workload is under control given that it is likely that more work will be created once this is implemented.

### **2.5 Progress with the District Plan Review**

- 2.5.1 The recent Local Government Commission announced a combined Plan to be co-ordinated by WCRC. We are yet to be informed of what that will mean in terms of staff input, resourcing and community involvement. It is understood that the proposal is still yet to be tested through community consultation.

### **2.6 Resourcing issues**

- 2.6.1 Joubert Bekker departed on 16<sup>th</sup> January and Anna Johnson is due to start 5<sup>th</sup> February. We ensured a week overlap with Joubert and Anna to impart Joubert's knowledge however she is still required to complete her current contract. Joubert's new employer (PP Group Ltd) have agreed to let us contract Joubert as a consultant to complete work over the following three weeks prior to Anna starting.

## 2.7 RMA Amendments

- 2.7.1 We have processed our first 'fast track' consents which are required within 10 working days. The legislative change has meant that all Controlled residential dwelling applications in the Rural Zone will be under the 'fast track' process.

## 3 OPTIONS

- 3.1 To receive this report or not.

## 4 SIGNIFICANCE AND ENGAGEMENT

- 4.1 The decisions to be made today are of low significance.

## 5 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 5.1 The options are to accept or not to accept this report.  
5.2 There is no financial risk in either accepting or not accepting this report.

## 6 PREFERRED OPTION AND REASONS

- 6.1 The preferred option is that Council accepts this report.

## 7 RECOMMENDATIONS

- 7.1 THAT Council accepts this report.



**Fiona Scadden**  
**Planning Manager**

# Report



DATE: 25 January 2018

TO: Mayor and Councillors

FROM: Group Manager, Corporate Services

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## CCO AMALGAMATION – OUTCOME OF THE SPECIAL CONSULTATIVE PROCEDURE

### 1.0 SUMMARY

- 1.1 The purpose of this report is to adopt the Proposal to amalgamate Hokitika Airport Limited (HAL) and Westland District Property Limited (WDPL) to be named Destination Westland.
- 1.2 This issue arises as a result of the review of the current structure of the Councils CCO's, and subsequent consultation process undertaken to receive community feedback on the Proposal to amalgamate HAL and WDPL.
- 1.3 The assets and activities that the companies manage and deliver are not affected by this proposal.
- 1.4 Any changes to Council assets or activities not already managed by the companies will be subject to consultation with the community through the Long Term Plan consultation process and are not considered within this statement of proposal.
- 1.5 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in September 2014, which will be set out in the next Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.6 This report concludes by recommending that Council adopts the final Proposal attached as **Appendix 1**.

### 2.0 BACKGROUND

- 2.1 In 2002, Council formed Westland Holdings Limited (WHL) to consolidate its CCOs under one governance and reporting entity. This structure has developed over time and the current structural arrangement is shown on page 5 of **Appendix 1**.
- 2.2 Late 2013 Council commenced an independent review of the structure, governance and effectiveness of its CCOs, the review was in part driven by community concern about Westland's CCO activities with a particular focus on Westland District Property Limited. Council resolved not to change the CCO structure at Council meeting 26 February 2015.
- 2.3 There is still concern over the structure and governance of the CCO's and in particular WDPL, and Council together with WHL requested staff to review the merits of amalgamating HAL and WDPL into one company, to be known as Destination Westland. The structure that was proposed is shown on page 6 of **Appendix 1**.
- 2.4 Council are not considering the disestablishment of WHL due to the tax implications of the transaction being deemed a distribution, and attracting a potential \$1.2 million tax liability. Council's tax advisors have estimated this at 15% to 35%.

### 3.0 CURRENT SITUATION

- 3.1 Based on the review, officers prepared a Statement of Proposal that proposed the following:
  - Amalgamate HAL and WDPL into one company to be known as Destination Westland
  - Strict divisional reporting is implemented within Destination Westland as set out in the statement of proposal
  - Retain Westroads Limited as a separate entity
  - Retain Westland Holdings Limited (WHL)
- 3.2 At its meeting on 23 November 2017, Council adopted a Statement of Proposal to undertake a Special Consultative Procedure under the Local Government Act 2002.
- 3.3 A total of 3 written submissions were received with no submitters requesting to speak at a Hearing. A summary of main themes from the submissions is attached as **Appendix 2**, along with officer comments next to each.

3.4 Council is required to make a decision.

#### 4.0 OPTIONS

4.1 Option 1: adopt the Proposal as **Appendix 1**

4.2 Option 2: make amendments to the Proposal and adopt it

4.3 Option 3: do not adopt the Proposal

#### 5.0 SIGNIFICANCE AND CONSULTATION

5.1 In accordance with Council's Policy on Significance the decision to Amalgamate HAL and WDPL is deemed to be of high significance for the following reasons:

5.1.1 Council's ownership of HAL is listed as a strategic asset on page 34 of the 2015-25 Long Term Plan (LTP). Strategic assets are defined in Section 5 of the LGA and any proposal to make changes to a strategic asset is deemed to be significant.

5.1.2 Section 97 of the Local Government Act 2002 (LGA) identifies those decisions which can only be made if provided for in Council's LTP. This proposal is not in Council's current LTP, however the intention is for the amalgamation to become effective 1 July 2018 therefore will be included in the LTP 2018-2028.

5.2 Council has just completed a Special Consultative Procedure. This process was advertised in the Hokitika Guardian, Westland Matters newsletter, Council's facebook page and on Council's website. Copies of the Statement of Proposal were available in hard copy from Council's Customer Service Centre and the Westland District Library.

#### 6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 Option 1 means the final Proposal is adopted exactly as it was presented in the consultation process. The advantage of this is that the Proposal reflects the direction Council has agreed upon. There will be some one off costs for compliance, however by effecting the amalgamation from 1 July this will keep these costs to a minimum. The companies are already operating under a combined board therefore there would be minimal implications for directors, however there will be implications for staff of the subsidiaries who are most affected by this change. Cost savings as per the consultation document.



- 6.2 Option 2 means that Council would not be adopting the Proposal in its current form. In this option staff would need clear direction from Council on the concerns with the Proposal and any changes required. If extra information is required to enable a decision to be made this would need to be conveyed to staff and would delay any decision until the next Council meeting on 22 February 2018. This option has the advantage of providing Council with more time if required to further consider all options. The disadvantage is that the Long Term Plan deadlines require Council to provide its draft to Audit NZ in the first week of March 2018, thus placing timely completion of the Long Term Plan process at risk.
- 6.3 In Option 3 Council may decide to not adopt the Proposal, and retain the current CCO structure. The advantage of retaining the current structure is that there is minimum disruption to staff.

## 7.0 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is Option 1: adopt the Proposal as **Appendix 1**. The decision to adopt the Proposal in its current form is consistent with Council's wish to simplify the governance structure of its CCOs. Unless through the submission process, new information has come to light that has convinced Council to adopt another approach, it is recommended that the structure on page 6 of the final Proposal be implemented.

## 8.0 RECOMMENDATIONS

- A) **THAT** Council adopts the Proposal as attached as **Appendix 1**.
- B) **THAT** Council instructs the Chief Executive request the board of HAL and WDPL to undertake the required steps to implement the new CCO structure on page 6 of **Appendix 1**.
- C) **THAT** provision for the new CCO structure be included in Council's Long Term Plan 2018-28.

**Lesley Crichton**  
**Group Manager, Corporate Services**

- Appendix 1:** Final Proposal to amalgamate Hokitika Airport Limited and Westland District Property Limited, to be known as Destination Westland
- Appendix 2:** Summary of Submissions on the Statement of Proposal to amalgamate Hokitika Airport Limited and Westland District Property Limited
- Appendix 3:** Submissions

Final Statement of Proposal  
under Special Consultative  
Procedure as per Section 83 of  
Local Government Act 2002:

Proposal to amalgamate  
Hokitika Airport Limited  
and  
Westland District Property Limited

November 2017

Submit online at  
[www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

# Summary

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## The proposal

Council is proposing to amalgamate Hokitika Airport Limited (HAL) and Westland District Property Limited (WDPL).

## Reason for the proposal

Westland District Council is seeking to establish a leaner structure for its Council Controlled Organisations (CCOs)<sup>1</sup> that will provide more cost effective governance.

The assets and activities that the companies manage and deliver are not affected by this proposal.

Council is seeking community views on the proposed amalgamation of HAL and WDPL.

## More Information

### Copies of the Proposal

Copies of this proposal are available online at [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz) and at Council offices at 36 Weld Street, Hokitika, or you can call us on 0800 474 834 to receive a copy by e-mail.

## Next steps and decision-making

After receiving submissions and hearing community views, Council will make a decision about whether to proceed with the proposal.

Council's decision will take into account many matters, including the views of expressed by the community.

## Key dates

23 November 2017	Council adopts Statement of Proposal for consultation with community
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<sup>1</sup> The organisations considered in the review are technically classed as council controlled trading organisation (CCTOs), which are CCOs that trade to make a profit.

27 November 2017	Public notice of proposal and consultation process in Local newspapers, Council website, and electronic newsletter.
28 December 2017	Public submissions on the proposal close at 4pm
25 January 2018	Hearings held by Council to hear those who wish to speak to their submissions
25 January 2018	Council makes a decision whether to proceed with the proposal or not or to proceed in an amended form

## Have Your Say

### Making a submission

Council wants to hear whether you support the proposal to amalgamate HAL and WDPL (name to be confirmed). Have your say and it will be considered by Council as part of the decision-making process.

The proposal is open for submissions from 27 November 2017 to 28 December 2017.

There are several ways you can make a submission.

#### Online

Fill in a submission form at [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

#### Post

CCO amalgamation submission

Westland District Council

Private Bag 704

Hokitika 7842

#### Deliver

Bring your submission in to the Westland District Council Offices, 36 Weld Street, Hokitika.

If you would like a hard copy submission form, you can download one from [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz) or collect one from the Council offices or at Council libraries.

You can also phone us on 0800 474 834 and we will post one to you.

When making a submission please make sure you include:

- Your name and email or postal address
- Whether you wish to speak in support of your submission at the Council hearing.

### Closing date:

Submissions must be received by Council no later than 4pm, 28 December 2017.

Once the submission period is closed, Council will notify submitters who wish to speak of the date and time at which the Council hearing will be held.

Please note: All submissions are public documents and will be uploaded onto the Council's website with the names and contact details of the submitters included.

# Statement of Proposal

## Introduction

This proposal involves assets of Council which are listed as Strategic Assets in Council's current policy on significance. On this basis and because there has been substantial community interest in the activities undertaken by and the performance of Council's subsidiaries, Council is undertaking a Special Consultative Procedure under the Local Government Act 2002. This Statement of Proposal is prepared in accordance with the requirements set out in sections 83 and 83AA of the Local Government Act 2002.

## Council Vision

In September 2014 Council adopted a new strategic vision:

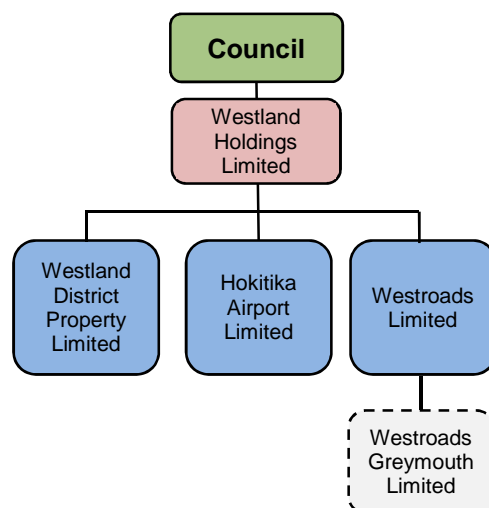
*Westland District Council will facilitate the development of communities within its district through delivery of sound infrastructure, policy and regulation.*

*This will be achieved by:*

- *Involving the community and stakeholders.*
- *Delivering core services that meet community expectations and demonstrate value and quality.*
- *Proudly promoting, protecting and leveraging our historic, environmental and natural resource base to enhance life style and opportunity for future generations.*

## Background

In 2002, Westland District Council formed Westland Holdings Limited to consolidate its CCOs under one governance and reporting entity. This structure has developed over time and the current structural arrangement is shown in the diagram below.



In late 2013 Council commissioned an independent review of the structure, governance and effectiveness of its CCOs. The review included Westland Holdings Limited, Westland District Property Limited, Hokitika Airport Limited, and Westroads Limited and its subsidiary Westroads Greymouth Limited.

In 2015 Council resolved for the structure to remain unchanged, however Council have reviewed the structure again and further propose a change to the structure.

## Review Approach

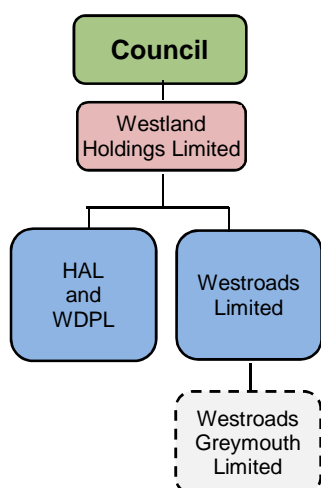
The review was informed by an analysis of key governance and reporting documents, such as the CCOs' constitutions and Statements of Intent, and the available Annual Reports of Council and the CCOs. The review was also informed by a survey of and present elected members, senior staff and CCO Directors.

The review findings and potential options to improve the structure, governance and effectiveness of the CCOs, and the advantages and disadvantages of each option, were discussed with Councillors and senior council staff.

## The Proposal

Council is proposing to amalgamate Hokitika Airport Limited and Westland District Property Limited. Retain Westroads Limited as a separate CCO.

### Proposed Structure



### The Proposal

Council is proposing to:

- Amalgamate Hokitika Airport Limited and Westland District Property Limited.
- Retain the amalgamated company, to be known as (name to be confirmed), and Westroads Limited as its key operating CCOs, with the shares of each company held by Westland Holding Company.

## Reason for the proposal

An independent review of the structure, governance and effectiveness of Council's CCOs, including Westland Holdings Limited, Westland District Property Limited, Hokitika Airport Limited, and Westroads Limited. The review was in part driven by community concern about Westland's CCO activities.

Findings of the independent review recommended changes to the way in which Council assets and services are managed and to the structure and governance of Council's CCOs.

The review found that the current structure of Council's CCOs is not optimal and is more complicated than it needs to be given the size and scope of what is being delivered. This has led to a lack of awareness of the activities of or the risks being entered into by subsidiaries.

Management of community assets (such as the Hokitika Swimming Pool, pensioner housing and the Jackson's Bay Wharf), mining license royalties, properties on road reserves, and disposal of surplus land may benefit from a commercial focus, however the scale of activity is too small to justify a commercial company on its own.



Hokitika Airport Limited is a strategic asset and provides value to the Westland community. The airport is now making a small profit and it would benefit from remaining a Commercial company.

Westroads Limited has proved to be a well performing maintenance and construction company engaged in roading, utilities and parks with significant third party revenue and is highly regarded in the community.

When considering Council and Westland Holdings Limited balance sheets together, the restructure will have no material effect on the financial result.

The objectives of the restructure is, through a reduction in the number of companies, for reduced governance, compliance and operational costs, whilst still enabling appropriate transparency over the individual operations.

## **Alignment with Council's Vision**

Council's new vision promotes a focus on the delivery of core services that meet community expectations and demonstrate value and quality. This proposal to amalgamate HAL and WDPL allows Council to focus more directly on core business in alignment with Council's strategic direction whilst providing a commercial focus for the merged CCO's.

## **Advantages of the proposed option**

The advantages of the proposal are that:

- It facilitates an understanding of important and strategic issues between Council and its key operating companies.
- There is likely to be long term savings from the simplified structure in respect of directors' fees, and audit costs.
- Strict divisional reporting will be maintained to ensure that HAL remains responsible for all operating costs and capital expenditure with no Council or ratepayer funding. WDPL will continue to manage Council assets therefore will continue to receive ratepayer funding through a management charge, however with overall reduced costs in respect of directors' fees, audit costs and a more commercial environment, there is a possibility of reducing ratepayer contributions.

## **Disadvantages of the proposed option**

The disadvantages of the proposal are:

- There is a requirement to closely manage the process of the amalgamation.
- There will be some initial costs associated with the proposed amalgamation.
- There will be a need to set up divisional reporting.

## **Timing**

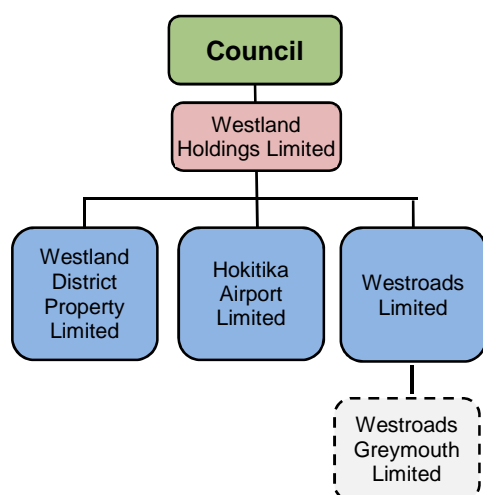
It is usual for an amalgamation to be undertaken on either the last day or the first day of the financial and tax year. The main reason for this is that an income tax return must be lodged up to the date of amalgamation for the company that will cease to exist after the amalgamation. If an amalgamation takes place part way through a tax year there is an additional compliance burden and cost.

The companies are at present operating under one board therefore reducing Directors fees.

## Other options considered

### Option A – Status Quo

#### Structure



#### Description

Under this option:

- Westland Holdings Limited would remain a wholly owned Council Controlled Trading Organisation of Westland District Council.
- Westland Holdings Limited continues to own Westland Property Limited, Hokitika Airport Limited and Westroads Limited.

The advantages are:

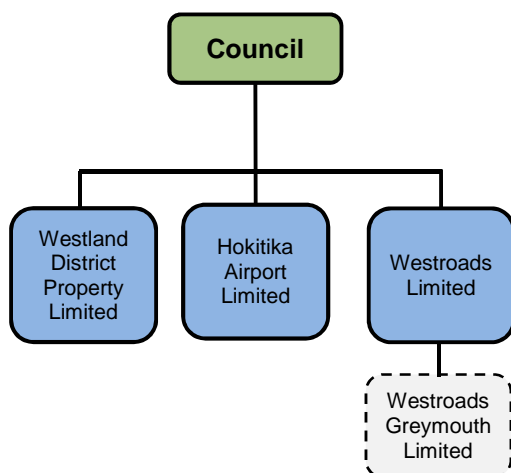
- There would be no need to change the structure.

The disadvantages are:

- This option would not address issues identified in the review, such as WDPL not gaining the benefit of a commercial environment.
- There would be no scope for reduction of operating and audit costs.

### Option B – Removal of Westland Holdings Limited

#### Structure



#### Description

Under this option Council would:

- Disestablish Westland Holdings Limited.
- Assume ownership and governance of Westland District Property Limited,
- Hokitika Airport Limited
- Westroads Limited.

The advantages are:

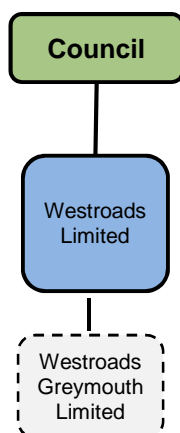
- It simplifies the governance structure of Council's operating entities, provides for greater clarity of accountability between the operating companies and Council, and makes it easier for Council to exercise its shareholder role.
- It provides for a closer relationship and understanding of important and strategic issues between Council as shareholder and its operating companies, Westroads Limited, Hokitika Airport Limited and Westland District Property Limited.
- There may be some slight savings resulting from the simplified structure in respect of directors' fees, audit costs and reporting.

The disadvantages are:

- There would be no change in focus on Council's core business of infrastructure and community facilities provision.
- There will be costs associated with the proposed restructure.
- **The main risk to this proposal is that if shares transfer to Council, under Section CW 10 of the Income Tax Act 2007 this could be a deemed distribution and create a potential tax liability of \$1.2m.**
- This risk has been estimated by Council's tax advisors as between 15% and 35%.

### Option C – Amalgamate all CCO’s.

#### Structure



#### Description

Under this option Council would:

- Amalgamate all four companies

The advantages are:

- There is likely to be some long term savings from the simplified structure in respect of directors’ fees, audit costs and reporting.
- There would be improvement in the governance relationship between Council and the operating subsidiary company.
- Transparency over the individual operations could be maintained through divisional reporting.

The disadvantages are:

- Westroads Ltd is performing well and has significant third party revenue, and it is unlikely to benefit from amalgamation.
- There will be costs associated with the proposed restructure.
- There will be a need to set up Divisional reporting.

### **Short form amalgamation under the companies act 1993**

The New Zealand amalgamation regime was introduced in order to facilitate company restructures and ensure uninterrupted and continuous operation of all amalgamating companies. The Companies Act provides that two or more companies may amalgamate and continue as one company, which may be one of the amalgamating companies or be a new company. The companies that disappear during the amalgamation are referred to as the ‘amalgamating companies’ and the continuing company is referred to as the ‘amalgamated company’.

The effect of an amalgamation can be summarised as follows:

- Each amalgamating company, except the amalgamated company will be removed from the New Zealand Companies Register;
- The amalgamated company succeeds to all the property, rights, powers, and privileges and all the liabilities and obligations of each of the amalgamating companies;

A short form amalgamation is available to companies which are part of a wholly-owned group of companies. A short form amalgamation is procedurally less onerous than a long

form amalgamation. It can be carried out without the need to obtain approval from the shareholders, also without issuing an amalgamation proposal and giving public notice, however discussed above, Hokitika Airport Limited is classed as a Strategic Council asset and by way of the Significance and Engagement Policy, Council intends to consult.

### **A short form amalgamation requires the following steps:**

- Approval of amalgamation by way of resolution by the board of each amalgamating company;
- The directors who vote in favour of the resolution to amalgamate must sign a certificate stating that they are satisfied on reasonable grounds, that the amalgamating company will immediately after the amalgamation is effected, satisfy the solvency test;
- Written notice of the proposed amalgamation is provided to every secured creditor of the amalgamating company;
- All relevant documentation being delivered to the Registrar of Companies for registration.
- A certificate of amalgamation will be issued by the Registrar specifying the effective date of amalgamation.

### **Income tax implications of the proposed amalgamation**

A short form amalgamation of HAL and WDPL on 30 June 2018 will be deemed to be a resident's restricted amalgamation for New Zealand tax purposes.

As a result, there should be no adverse income tax implications arising from the amalgamation.

Due to the short nature of this proposal, no summary document will be produced.

## Summary of Submissions on the Proposal to amalgamate Hokitika Airport Ltd (HAL) and Westland District Property Ltd (WDPL)

	Number of Submissions	%
Received	3	100%
Neutral	1	33.33%
Against	2	66.66%

	Theme	Matter raised	Comment
1	<i>All activities should be passed back to Council</i>	<ul style="list-style-type: none"> <li>Hand everything back to Council for the Councillors to make the decisions</li> <li>Dividends would then be given back to the communities of Westland</li> </ul>	<ul style="list-style-type: none"> <li>Where a commercial and trading type of activity is to be undertaken (e.g. running an airport or contracting etc.) the use of a properly established commercial business structure with appropriately skilled directors will invariably produce better outcomes than such venture being undertaken within a public body.</li> <li>Dividends received by Council from its subsidiaries is a revenue stream and reduces the rates burden on taxpayers.</li> </ul>

	Theme	Matter raised	Comment
2	<i>Non-compliance to LGA</i>	<ul style="list-style-type: none"> <li>• Failure to consult with ratepayers when company was established</li> <li>• Improper consultation or statement of intent</li> <li>• Museum under management of WDPL without consultation</li> <li>• CEO for amalgamated company already employed before the submission period closed</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> <li>• Consultation process for the amalgamation of Hokitika Airport Limited and Westland District Property Limited is compliant with Local Government Act</li> <li>• This consultation is for amalgamation of the two companies only, and as stated in the consultation document, the assets and activities that the companies manage and deliver are not affected by this proposal</li> <li>• Any further changes to assets or activities not already managed by the companies will be subject to consultation through the Long Term Plan consultation process</li> <li>• The museum building management was transferred on a temporary basis only</li> <li>• CEO employment – noted</li> </ul>
3	<i>Disestablish WDPL and pass activities back to Council</i>	<ul style="list-style-type: none"> <li>• Angst amongst ratepayers through the company's workings</li> <li>• Differing objectives of HAL and WDPL</li> </ul>	<ul style="list-style-type: none"> <li>• Council is bound under the Local Government Act to regularly undertake performance monitoring of its CCOs to evaluate contribution to the achievement of: <ul style="list-style-type: none"> <li>○ the local authority's objectives for the organisation; and</li> <li>○ the desired results, as set out in the statement of intent; and</li> <li>○ the overall aims and outcomes of the local authority</li> </ul> </li> <li>• Clear divisional performance reporting will be required to monitor performance on all activities undertaken in the amalgamated company</li> </ul>
4	<i>Cost on ratepayers for WDPL</i>	<ul style="list-style-type: none"> <li>• Concern for the cost on ratepayers for WDPL</li> </ul>	<ul style="list-style-type: none"> <li>• The expectation is that with a more commercial environment, WDPL will produce better outcomes and be less of a burden on taxpayers</li> <li>• There will be cost savings through amalgamation of Directors fees, Audit fees and compliance</li> </ul>

**From:** Council  
**Sent:** Thursday, 28 December 2017 3:51 PM  
**To:** Consult  
**Subject:** Form submission from: Submission Form: CCO Amalgamation Proposal

New submission on the CCO Amalgamation Statement of Proposal

Submitted on Thursday, December 28, 2017 - 15:51

Submitted values are:

Name: Anthea & Rex Keenan

Organisation (if applicable):

Postal address: 240 Kaniere Rd

Email: keenanr@kinect.co.nz

Phone Number: 37558374

Submission: I oppose the proposal

Type submission here: Seen to be non compliance to LGA..on several counts.

\* Improper consultation and or statement of intent. \*Company Directors asked to retire late last year, new Company Directors appointed, without a Directors Appointment policy. \* Directors Appointment policy was revoked at

that time. \*Council have given roles and or further management and payment to Property Company of our Museum and artefacts..no consultation \*Council one year later put this issue of change out for submission - most people do not have full information or detail. \*Submissions (or so called consultation which is sloppy in fact) called for and with a deadline of 28th December.

\*CEO for a so called "Destination Westland" company has now already been employed. \*Campervans, skydiving - ideas which are not investigated \*Council have again put the cart before the horse... please refrain from processes not complying with Local Government requirements and as per LGA...see letters to Guardian.

Do you wish to be heard in support of your submission?: No





### SUBMISSION FORM

Name: Bridget Meneau

Organisation (if applicable): \_\_\_\_\_

Preferred contact details i.e. your postal address, or your email:

45 Kamehameha St  
Porirua

Phone Number: 7554193

Signature E Meneau

NB: Your signature is not required if submitting by electronic means

1. **Please use one form for each submission**  
Extra forms are available from the Council Office and online [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)
2. **Indicate your attitude to the proposal**  
i.e. I support/ oppose/ am neutral to the proposal.
3. **Make your submission**  
State clearly and in summary the nature of your submission. Give reasons.
4. **State whether or not you wish to be heard by the Council at a hearing**  
Please note: If you do not want to speak, your written submission will still be equally taken into account.
5. **State if you wish to present a joint submission, if you require a language interpreter, or if you would like the Council to consider audio or audio-visual presentation options.**

*Use separate sheet if necessary*

Use separate sheet if necessary.

1.	I support / oppose / am neutral to the proposal	(Circle one)
My submission is:		
<p>Just hand everything back to Council + Councillors, to call the shots</p> <ul style="list-style-type: none"> <li>- saving on Directors fees</li> <li>- give the call back to the community elected members</li> <li>a the dividends back to the communities of Westland.</li> </ul>		
2.	Do you wish to be heard in support of your submission? Yes / No	(Circle one)
3.	If yes, do you want to make a joint case with another party? Yes / No Specify the party:	(Circle one)
4.	Do you require a language interpreter in order to present at the hearing? Yes / No If yes, please specify your requirements:	(Circle one)
5.	Would you prefer to present via an audio or audio-visual link? Yes / No If yes, you will be contacted to discuss arrangements.	(Circle one)

Thank you for providing your input

**From:** R & A Keenan [<mailto:keenanr@kinect.co.nz>]  
**Sent:** Monday, 27 November 2017 8:17 AM  
**To:** Council <[council@westlanddc.govt.nz](mailto:council@westlanddc.govt.nz)>  
**Subject:** WESTLAND DISTRICT PROPERTY LTD x AIRPORT CO SUBMISSION  
**Sensitivity:** Confidential

WESTLAND DISTRICT PROPERTY LTD X HOKITIKA AIRPORT LTD

Council failed to consult with ratepayers (Section 56 LGA) when establishing this Company – RATEPAYERS WERE LEFT IN THE DARK THEN, yet have been covering costs due to anomalies.

This Company has created much angst amongst ratepayers from the time and since established, through its workings...costly, against the law, without consultation and lacking transparency.

Past Director from Tauranga, still makes poor comment regarding ratepayers here.. the story of this Company is disgraceful.. Huge costs have been paid from rates monies re this Company, which has in past had "Cuffs as financial advisors" ..... Tax anomalies should be disclosed well before now.

Ratepayers have not been given opportunity to approve of the work and management given to Property Company – yet pay rates and topped up this Company due to working capital deficiency..

Airport Company has its own objectives – which differ from that of Property Company.... Councillors must be aware of the risks and costs involved with the Property Company. Airport Company cannot afford losses or bad publicity.

Council should seriously consider taking WDPL work back into Council as controlling body, reorganise that workload, sell any EXCESSIVE assets / land etc. WDPL retains – REDUCE HIERARCHY STAFF, ACCOUNTANCY, LEGAL, AUDIT COSTS, disestablish WDPL = property works to be carried out by staff at Council headquarters and under Chief Executive Bastion control, so that consultation does take place as necessary (LGA Section 82) within planning.

I experienced the irregular workings of this Company, the need for ex CE to have Local Govt. Fix It (Steve Halliwell on Statements of Intents re Haast Hollyford roading costs & lack of info.) also an underlying cause of friction between present Mayor and ousted CE.. (costing ratepayers)!

Yours faithfully  
Anthea Keenan

# Report



**DATE:** 25 January 2018

**TO:** Mayor and Councillors

**FROM:** Group Manager: Planning, Community & Environment

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## **OCCUPATIONS ON UNFORMED LEGAL ROAD**

### **1 SUMMARY**

- 1.1 The purpose of this report is to seek confirmation or otherwise of Council policy regarding occupations on unformed legal road.
- 1.2 This issue arises from a request by Council at its December 2017 meeting for a report that would allow discussion and confirmation or otherwise of Council's current policy on "Recreational and Non-Recreational Occupations on Unformed Legal Road." Some Councillors have expressed a desire to move to a less permissive policy than the current one adopted in March 2017, such as the previous policy from September 2016.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council confirm or amend as it sees fit the current policy "Recreational and Non-Recreational Occupations on Unformed Legal Road," attached as Appendix 1 to this report.

### **2 BACKGROUND**

- 2.1 Westland, like many rural Councils, has many kilometres of unformed legal road across the District. There are a number of baches and other structures on this land at present, including houses, parts of houses, sheds, etc.
- 2.2 Westland District Property Ltd (WDPL) took over management of Occupations on Unformed Legal Road on 1 July 2011, subject to Council policy.

- 2.3 The Council's policy on Occupations on Unformed Legal Road has been reviewed several times since then: in December 2012, April 2014, September 2016 and March 2017.
- 2.4 The 2011 and 2012 policies included a cap of 72 baches across the District. The April 2014 policy removed that cap but introduced new conditions such as a maximum 100 square metre footprint. The September 2016 policy reinstated a cap of 76, limited new baches to four listed rivers plus Bruce Bay, and specified a maximum length of occupation per year. It also prohibited new residential (non-recreational) uses and commercial structures.
- 2.5 The March 2017 policy lifted the cap on baches to 100, changed the prohibitions on new residential uses and commercial structures to case-by-case consideration, and increased the licence period from 5 to 10 years. This is now the current Council policy. It is attached as Appendix 1, showing tracked-changes compared with the September 2016 policy.
- 2.6 Council currently receives 25% of the licensing revenue for baches.

### **3 CURRENT SITUATION**

- 3.1 Over the past several years, the process regarding baches has improved. An example of this is that all new baches require building consent and resource consent, as with any other new building. Older baches that preceded Council policy have been gradually 'legalised' under this policy via Licences to Occupy, as have other occupations and non-recreational activities – when and where identified.
- 3.2 Appendix 2 shows how the number of licensed bach sites has increased over time from 58 in 2011 to 82 today, with 19 of the 24 new licences being for new baches and 5 being the licensing of 'found' existing baches. Appendix 2 also shows that there are 2 existing baches and 3 new baches in progress (awaiting licence and/or resource consent).
- 3.3 Despite the process improvements, there remains a concern from some stakeholders about the latest, higher cap on bach numbers (100), which allows more new baches to be developed than the 87 that are existing or 'in the pipeline'. Some private developers feel that the Council through WDPL is competing with private subdivisions, without a level playing field in terms of costs. There have also been concerns expressed that baches may proliferate in inappropriate areas, e.g. areas that are environmentally sensitive or that lack sufficient infrastructure. Legal questions have also been raised about the ability of Councils to lease or licence structures on legal road.

- 3.4 WDPL itself has previously acknowledged that there is a natural limit to the number of baches, and only specific locations where these were envisioned. A cap of 82 was seen as reasonable by WDPL when the September 2016 policy was drafted, but the discovery of additional pre-existing baches since then as well as the desire to progress new opportunities led them to support the March 2017 move to a cap of 100.
- 3.5 Aside from the issue of recreational baches, there has been ongoing interest and issues relating to *non-recreational* use of unformed legal road; for example, residential occupations (e.g. Beach Street, Hokitika), agriculture, beehives, and containers for storing life jackets for commercial jetboat clients. The September 2016 policy created a clear distinction between these types of activities and recreational baches. The March 2017 review of the policy maintained this distinction but removed the prohibition on new residential and commercial structures. These decisions are now made on a case-by-case basis by WDPL and Council management.

## 4 OPTIONS

- 4.1 In terms of the policy regarding baches and other recreational uses, the main option is around whether to retain or lower the existing cap, and if so to what level. There is also an option of limiting new baches to certain locations as per the previous (September 2016) policy.
- 4.2 In terms of the policy regarding non-recreation uses, the main option is around whether to continue to allow for new residential and commercial uses on a case-by-case basis, without any further conditions beyond those in the existing policy.
- 4.3 Separate to this, there is the matter of the annual licence fee for baches to be charged by WDPL. This is currently \$2,050 per year, but Elected Members have suggested that this be increased through the 2018-2028 Long Term Plan process. Currently Grey District charge on a land area basis, with few baches and none requiring payment as high as \$2,050 per year.
- 4.4 In summary the options analysed are as follows:
- **Option One: Status Quo:** Retain March 2017 Policy (Appendix 1) without change.

- **Option Two: Reduce Cap on Baches**, with a related option around limiting new baches to certain locations (Bruce Bay, Paringa River, Waita River, Wanganui River, and Waitototo River), as per the September 2016 policy.

Unless existing licences were not renewed, the cap would need to be at least 87 to accommodate existing licences and those in the process of being issued. WDPL believes there are several other existing baches that could be licenced, bringing the required total close to the current cap of 100 if Council wishes to legalise all existing baches.

- **Option Three: Reduce Cap on Baches and Restrict Non-Recreational Occupations**, essentially Option Two plus a reversion to the September 2016 policy of prohibiting new residential (non-recreational) and commercial structures.

The pre-existing September 2016 policy around non-recreational occupations, if reinstated, would prohibit new residential occupations but allow existing occupations to continue subject to conditions. Mining and agricultural uses such as grazing and beekeeping would also be allowed, but no other commercial activities would be allowed so as to avoid competition with private development. In addition, no structures would be permitted for any non-recreational use, so as to preserve public access.

## 5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The decision to be made today in relation to the Occupations on Unformed Legal Road policy is considered to be of low to moderate significance. The policy is in relation to unformed legal road, which is generally in sparsely populated areas, so it is likely to affect (a) potential neighbours of these activities; (b) owners of activities that may wish to locate on unformed legal road; and (c) private landowners and/or subdividers who may see occupations on unformed legal road as competing with their market activities. Affected parties (other than those raising trade competition issues) have opportunities through the resource consent process to express their views on individual proposals.
- 5.2 Engagement between Council staff, Elected Members and WDPL has taken place on several occasions in recent years, and the Department of Conservation's views have also been noted and taken into account.
- 5.3 Any change to the licence fee will need to go through the 2018-2028 Long Term Plan process. The current policy also states that the current policy will be reviewed as part of the Long Term Plan process, but it does not

specifically refer to it needing to be a public consultation item. The Council may wish to consider putting the policy out for a consultation period alongside the proposed Long Term Plan.

## 6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 All three options are open to Council. Technical, health and safety and environmental issues have largely been resolved through strict adherence to building consent and resource consent requirements, including notification of affected neighbours (e.g. Department of Conservation). Legal issues have been raised but can be managed to varying degrees, as explained more below. The decisions today are essentially political ones. Therefore no recommendation is given, but the advantages and disadvantages of each option are outlined.
- 6.2 In terms of the legal issues, questions have been raised as to whether a Council has the right to lease / licence and/or allow structures on legal road. Previous legal advice has confirmed that there is no prohibition on this in legislation, nor explicit provision for it. It is clear in legislation, however, that the primary purpose of legal road is for transportation purposes, and therefore that no undue obstruction of public access should occur.
- 6.3 To date, Council has addressed the potential legal risks by requiring new structures to have a small footprint (e.g. single-storey baches no greater than 100m<sup>2</sup>), to be relocatable, to preserve public access along the legal road, and to have licence terms no longer than 5 – 10 years.
- 6.4 Council has also, through WDPL, primarily focused on legalising existing occupations, though in recent years it has pursued new development opportunities such as new baches and new commercial structures. Given the ambiguity in legislation around development on legal roads, licensing only existing occupations is probably a less risky option than promoting new development. If a valid business case supports new development on Council road reserve, a better option could be a formal road stopping process, with the required community consultation, followed by subdivision and sale of land.
- 6.5 With these legal issues in mind, the advantages and disadvantages of each option are now summarised.
- 6.6 Option One (Status Quo) has the advantages of a higher level of economic activity arising from construction of more baches, more revenue to Council, flexibility around future bach locations, acceptance of existing baches that are newly 'discovered,' and allowing for business opportunities that might be well-suited for particular unformed legal road locations. (The table in Appendix 3 shows the range of commercial occupations licensed at present,



including moss sheds, an aerial runway for whitebaiters, a jetboat gear shed, the Lake Kaniere yacht club, a mining shed, and grazing.) On the other hand, this option has the disadvantages of potentially not addressing stakeholder concerns around proliferation of baches or competition with land developers. It also probably poses more legal risk than Option Two by allowing for new baches and other structures, not just legalisation of existing ones.

- 6.7 Option Two (Reduce Cap on Baches) has the advantages of better addressing stakeholder concerns around proliferation of baches and competition with land developers, and probably reducing legal risk. The additional step of restricting locations (as per the September 2016 policy) would probably increase these advantages by providing more certainty to concerned parties. Disadvantages of this option include limiting the economic activity that would arise from construction of new baches and additional revenue to Council. There may also be an argument that the building of a 100m<sup>2</sup> relocatable bach on a short-term lease is not comparable or in competition with a neighbouring subdivision of larger lifestyle blocks.
- 6.8 Option Three (Reduce Cap on Baches and Restrict Non-Residential Occupations) has the same advantages and disadvantages as Option Two as a starting point. By restricting non-residential occupations as per the September 2016 policy, it adds the advantage of further addressing stakeholder concerns around competition with land developers. It could be seen as striking a balance by allowing existing residential uses to continue subject to conditions, and by allowing certain rural commercial activities such as agricultural and mining as long as they do not have buildings on the legal road. On the other hand, it adds the disadvantage of limiting business opportunities that might be well-suited for particular unformed legal road locations, along with associated Council revenue.

## **7 PREFERRED OPTION AND REASONS**

- 7.1 Today's decision is seen as primarily a political one to weigh up the advantages and disadvantages above as well as to consider the appetite for any legal risk. Accordingly, Council staff do not wish to offer a preferred option.

## **8 RECOMMENDATION**

**Either**

A) **THAT** Council confirms its existing policy on “Recreational and Non-Recreational Occupations on Unformed Legal Road,” attached as Appendix 1 to this report;

**Or**

B) **THAT** Council amends its existing policy on “Recreational and Non-Recreational Occupations on Unformed Legal Road,” attached as Appendix 1 to this report, by resolving any amendments it wishes to make.

**Jim Ebenhoh**

**GROUP MANAGER: PLANNING, COMMUNITY AND ENVIRONMENT**

**Appendix 1:** Existing policy on “Recreational and Non-Recreational Occupations on Unformed Legal Road” (March 2017) – showing tracked changes against previous policy

**Appendix 2:** Table of bach sites

**Appendix 3:** Table of all occupations

**Appendix 4:** Aerial photos (red circles = in progress or being investigated; yellow circles = licensed)

POLICY ON RECREATIONAL  
AND NON-RECREATIONAL  
OCCUPATIONS ON UNFORMED  
LEGAL ROAD.

Revised and Adopted by Council:  
~~29 September 2016~~

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## POLICY ON RECREATIONAL AND NON-RECREATIONAL OCCUPATIONS ON UNFORMED LEGAL ROAD.

### 1. INTRODUCTION

Westland District Council (Council) recognises that a range of recreational and non-recreational activities may wish to locate on unformed legal road. This policy sets out guidance in relation to these activities; both for baches and other recreational activities, and for non-recreational activities such as residential, agricultural and commercial uses.

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Email: [jim.ebenhoh@westlanddc.govt.nz](mailto:jim.ebenhoh@westlanddc.govt.nz)  
Phone: 03 756 9035

### ~~2. BACKGROUND~~

~~Council adopted the revised Policy on "Recreational and Non-Recreational Occupations on Unformed Legal Road" at their meeting on the 29 September 2016, subject to baches being capped at 76.~~

### 3. CONDITIONS APPLYING TO ALL OCCUPATIONS ON UNFORMED LEGAL ROAD:

- On behalf of Council, Westland District Property Ltd (WDPL) manages unformed legal roads in Westland.
- Council retains ultimate responsibility for any decisions made relating to the management of unformed legal roads, including policy-setting.
- Owners of occupying activities must have a Licence to Occupy Unformed Legal Road (unless otherwise stated in this policy) and must comply with the conditions of that Licence to Occupy.
- Occupying activities must not interfere with the public right to pass and re-pass along unformed legal road. Related to this:
  - No fences are to be erected across legal road without a sty, unlocked gate or other means of public passage.

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- 'Private property' / 'Keep out' signs or similar are only allowed on private buildings and must not be posted in such a way that they are seen as applying to the legal road itself.
- Occupying activities must be ultimately relocatable (for example, wooden structures on piles rather than brick building on concrete slab).
- The holders of a Licence to Occupy must have the necessary building consents and resource consents and are responsible for obtaining them.
- Council, upon recommendation from WDPL, will set the scale of annual licence fees for occupying activities on unformed legal road as part of its Annual Plan.
- *This policy will be reviewed in line with the Long Term Plan every three years; ~~beginning with the 2018-28 Long Term Plan unless otherwise agreed with Council.~~*

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4. **ADDITIONAL CONDITIONS APPLYING TO ALL BACHES AND OTHER RECREATIONAL OCCUPATIONS ON UNFORMED LEGAL ROAD:**

Council recognises that baches have a unique place in the history of Westland and accepts their continued use for recreational purposes. ~~such as non-commercial whitebaiting.~~ Other recreational occupations such as boat sheds, hunting shelters etc may also be acceptable in some areas. The following conditions apply to all baches and other recreational occupations on unformed legal road:

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- Baches (including their associated structures) or other recreational structures on existing sites with a gross floor area of less than 100 square metres (sqm) may increase their gross floor area up to 100sqm; those with gross floor area greater than 100sqm may not increase their gross floor area. Baches (including their associated structures) or other recreational structures on new sites must have less than 100sqm gross floor area.
- Baches (including their associated structures) and other recreational structures shall be single storey and shall be clad and/or painted in a colour scheme of suitably recessive colours so that the structure blends into the surrounding environment.
- ~~The maximum length of time a bach can be occupied is 12 consecutive weeks. In addition, the maximum period of time a bach can be occupied over a single calendar year is a total of 26 weeks.~~ Permanent residential occupation is not permitted.
- WDPL and Council management reserve the right to classify a structure as a bach, ~~another~~ recreational structure, or a non-~~residential-recreational~~ structure. This will be determined at the time of application for the Licence to Occupy.
- The maximum number of baches on unformed legal road in the District shall be ~~76.~~ 100.

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- ~~No new bachs shall be permitted other than at Bruce Bay and on the Paringa River, Waita River, Wanganui River, and Waitoto River.~~

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- Leases shall be granted for ~~five~~ten years at a time.

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## 5. ADDITIONAL CONDITIONS APPLYING TO NON-RECREATIONAL OCCUPATIONS ON UNFORMED LEGAL ROAD:

Non-recreational occupations on unformed legal road include residential activities and encroachments (including sheds and gardens), agricultural uses such as grazing and apiculture (beehives), mining, other commercial activities (e.g. fish processing and retailing, or helipads), or anything else not considered to be a recreational occupation.

The following conditions apply in these cases, additional to those conditions listed at the start of this policy as applying to all occupations of unformed legal road:

- ~~No new residential uses or new structures or occupations associated with residential uses will be permitted~~ will be ~~permitted~~considered on a case-by-case basis by mutual agreement between WDPL and WDC Management. Existing residential uses can be legalised through a Licence to Occupy unless there are significant reasons such as environmental concerns or transportation needs.
- Agricultural uses including grazing and apiculture are acceptable subject to a Licence to Occupy, unless in the view of WDPL or ~~Council~~ WDC Management the activity is incidental encroachment from a neighbouring property that does not require a Licence to Occupy.
- Mining is acceptable subject to a Licence to Occupy.
- ~~No commercial structures are permitted, including for agricultural and mining activities.~~
- Other ~~non-recreational and~~ commercial activities ~~and/or structures not involving structures (e.g. helipads)~~ will be considered on a case-by-case basis by mutual agreement between WDPL and WDC Management.
- Persons involved in any non-recreational activity must adhere to all Health and Safety legislation.
- ~~WDPL and Council management reserve the right to classify an activity as recreational or non recreational. This will be determined at the time of application for the Licence to Occupy.~~

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Westland Bach Sites													
Location	existing in 2011	existing in 2012	captured in 2013	new in 2013	new in 2014	new in 2015	captured in 2015	new in 2016	new in 2017	captured in 2017	existing TOTAL	capture in progress	RC in progress
Kumara	1	1									1	1	
Woodstock						1					1		
Lake Kanitere	1	1									1		
Wanganui River	20	17						*	7		24		
Whataroa River											0	**	
Waitaha River											0	**	
Karangarua River							3				3	1	
Ohinemataea River	2	2									2		
Cook River	1	1									1		
Jacobs River	2	2	1								3		
Paringa River	12	12				3		2			17		2
Waita River	3	2						3			5		
Kwitchatown	15	14				*					14		
Okuru River	3	3						4			7		
Waiaototo River	4	3									3		1
Arawhata River											0	1	
sub-total	64	58	1	0	0	3	1	9	7	3	82	2	3
TOTAL SITES			59	59	59	62	63	72	79	82	84	84	87

\*1 rebuild  
 \*\* 2 or 3 possible sites

\* 1 extension + 1 rebuild

existing in 2011  
 existing in 2012  
 new in ....  
 captured in ....  
 capture in progress  
 new in progress

when WDPL took over from WDC  
 when WDPL put up the fee to \$2050  
 new bach sites since 2012 with Resource Consents  
 extra existing baches found and licenced  
 extra existing baches located but not licenced yet  
 new bach sites seeking consents

<b>BACHES ON ROAD RESERVE 2017-18</b>				
<b>Site Name</b>	<b>Nominee</b>	<b>Address</b>	<b>Town</b>	<b>Activity</b>
Corner SH6 & Greymouth-Kumara Tramway	Ash McAllister	PO Box 16-234	Hornby	existing house, burned down Nov 2012
Site 1 Woodstock	Michael Vroblfski	57B Rimu-Woodstock Rd RD3	Hokitika	existing bach
4 Sunny Bight Road (Lake Kaniere)	Christine Abbott	178 Weld Street	Hokitika	existing bach
Site 1 Waitaha	Brian Wildbore	276a Arthurstown Road	RD3 Hokitika	existing bach, waiting for signed licence
Site 2 Wanganui River	Allen Clarke	12 Nuku Street	Tangimoana	existing bach
Site 3 Wanganui River	Sue Byron	98 Clarkson Road Sutherlands RD13	Pleasant Point	existing bach
Site 4 Wanganui River	Garry Collin	26 Manning St	Hamilton Central	existing bach
Site 5 Wanganui River	B Harrington	40 Flinders Road	Heathcote	existing bach
Site 5 A Wanganui River	Mark Tibbotts	PO Box 36122 Merrivale	Christchurch	existing bach
Site 6 Wanganui River	David Irving	10 MacMillan Avenue	Cashmere	existing bach
Site 6 A Wanganui River	Warren Glass	20C Harakeke Street	Christchurch	existing bach
Site 6 B Wanganui River	Jack Chisnall	152 Ashworths Road RD1	Amberley	existing bach
Site 7 Wanganui River	Robert Roney	44 Stuart & Chapman Drive	Greymouth	existing bach
Site 8 Wanganui River	Stephen Langridge	893 Taramakau Settlement RD1	Kumara	existing bach
Site 15 Wanganui River	Ian Price	Fairview Road RD2	Timaru	existing bach
Site 16 Wanganui River	John Abbott	216 Dyers Pass Road	Christchurch	existing bach
Site 17 Wanganui River	Kevin & Sue Kerr	PO Box 198	Akaroa	existing bach
Site 21 Wanganui River	Shane Edmond	7 Rochdale St, Fendalton	Christchurch	existing bach
Site 22 Wanganui River	Alister Turner	267 Elmhurst Road, Homebush	RD1 Darfield	existing bach
Site 23 Wanganui River	John Cassidy	597 Main South Road	Gladstone	existing bach
Site 24 Wanganui River	Robert Blincoe	12 Sequoia Way	Rangiora	existing bach
Site 25 Wanganui River	Fletcher Glass	12 De Their Lane Richmond Hill	Christchurch	licensed, resource consented, not yet built
Site 26 Wanganui River	Ryan Searle	312 Trices Road	Prebbleton	licensed, resource consented, not yet built
Site 27 Wanganui River	Trevor Wakeham	Private Bag 426	Picton	licensed, resource consented, not yet built
Site 28 Wanganui River	Sue Byron	98 Clarkson Road Sutherlands RD13	Pleasant Point	licensed, resource consented, not yet built
Site 29 Wanganui River	Glenn Clarke	924 Timaru-Temuka Hgwy RD3	Timaru	licensed, resource consented, not yet built
Site 30 Wanganui River	Mark Harrington	40 Flinders Road	Heathcote	licensed, resource consented, not yet built
Site 31 Wanganui River	Andy Monk	54 Charles Court	Lake Hawea	licensed, resource consented, not yet built
Site 1 Ohinetamatea River mouth	Colin & Raelene Tuck	PO Box 46	Fox Glacier	existing bach
Site 2 Ohinetamatea River mouth	Phil Silcock	801 Bethels Road RD7	Christchurch	existing bach
Site 1 Karangarua River mouth	Stuart & Jan Moir	605 Double Corner Road RD1	Amberley	existing bach
Site 2 Karangarua River mouth	David Henderson	16 Nyhon Place, PO Box 114	Haast	existing bach
Site 3 Karangarua River mouth	Tom Pinckney	350 Tarras-Cromwell Road RD3	Cromwell	existing bach
Site 1 Cook River	John Singer	36 Hoffman Street	Hokitika	existing bach
Site 1 Jacobs River	Kevin Franklin	16 Loren St Eglinton NSW	Australia	existing bach
Site 2 Jacobs River	Wallace Adamson	PO Box 35	Fox Glacier	existing bach
Site 3 Jacobs River	Barry & Nola Rochford	172 Brittan Street	Hokitika	existing bach
Site 1 SB SB Paringa River	Yvonne & Kylie Beri	113 Upper Kokatahi Road	Kokatahi	existing bach
Site 2 SB SB Paringa River	Karen Stuart	10 Robertson St	Frankton	existing bach
Site 3 SB SB Paringa River	Peter Large	190 Hawkesbury Road RD2	Blenheim	existing bach
Site 4 SB SB Paringa River	Peter Large	190 Hawkesbury Road RD2	Blenheim	existing bach

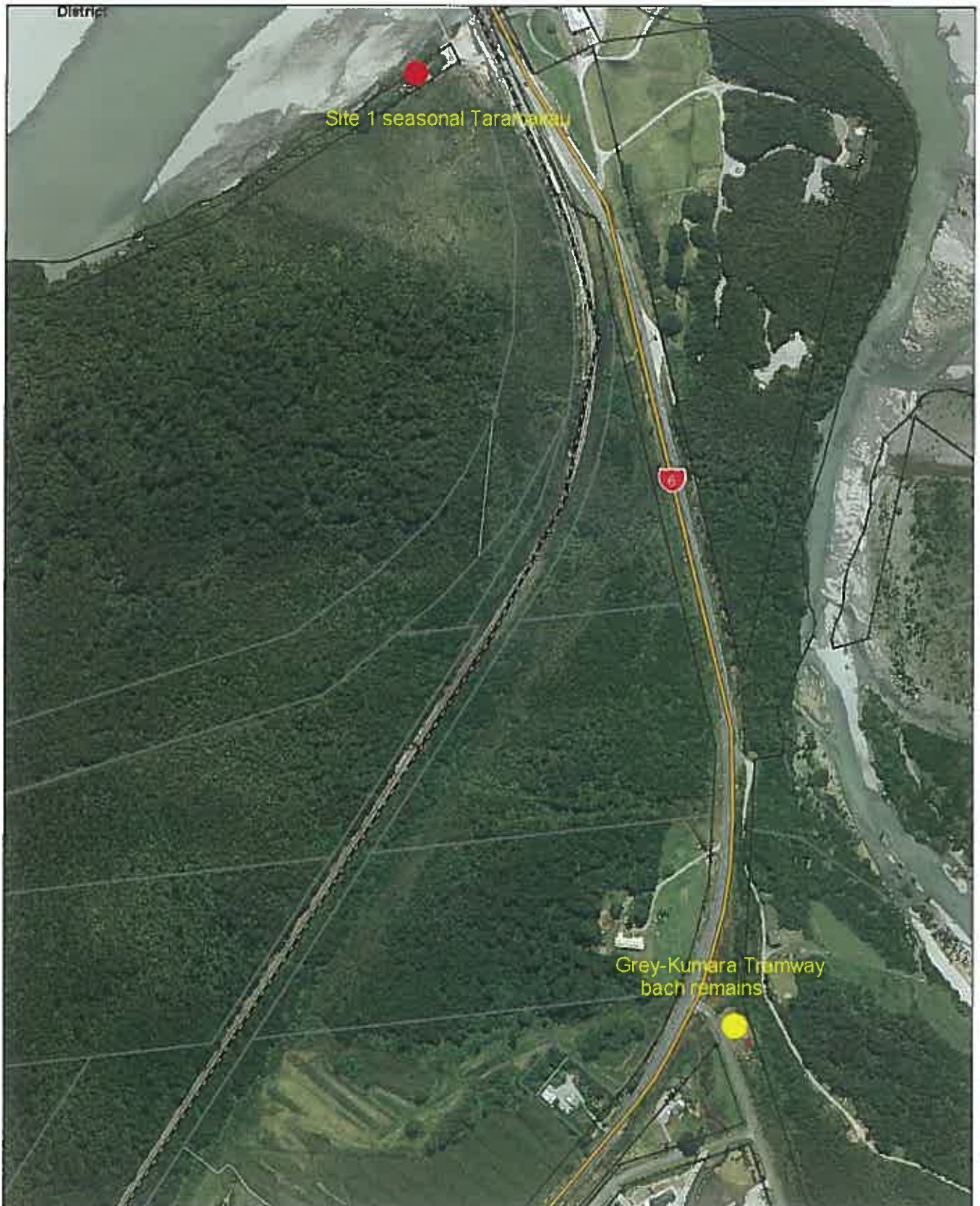


<b>BACHES ON ROAD RESERVE 2017-18</b>					
<b>Site Name</b>		<b>Nominee</b>	<b>Address</b>	<b>Town</b>	<b>Activity</b>
Site 9 NB	NB Paringa River	Alex & Mary Wingham	PO Box 12	Ikamatua	existing bach
Site 10 NB	NB Paringa River	Richard Mee	137 Sawmill Road RD1	Ashburton	existing bach
Site 11 NB	NB Paringa River	Jennifer Clark	PO Box 21	Duvauchelle	existing bach
Site 12 NB	NB Paringa River	Steve Condon	Lake Paringa Postal Agency	Paringa	existing bach
Site 13 NB	NB Paringa River	Bob Milne	1620 Arnold Valley Road RD1	Dobson	existing bach
Site 14 NB	NB Paringa River	Brenda & Graeme Monk	Lake Paringa Post Centre	Lake Paringa	existing bach
Site 14 A	NB Paringa River	Wayne Williams	PO Box 14	Fox Glacier	existing bach
Site 14 B	NB Paringa River	Chris (Puna) Taylor			applying for resource consent
Site 15	NB Paringa River	Malcolm McDonald	1151 Earl Road RD21	Geraldine	existing bach
Site 15 A	NB Paringa River	Mark Williams	694 Waterholes Road RD8	Christchurch	licensed, resource consented, not yet built
Site 15 B	NB Paringa River	Eamonnd Johnston	17 Jackson Bay Road	Haast	licensed, resource consented, not yet built
Site 15 C	NB Paringa River	Peter Haddock	249 Main South Road	Greymouth	licensed, resource consented, not yet built
Site 15 D	NB Paringa River	Nigel Nixon	7 Rosstown Road	Reefton	licensed, resource consented, not yet built
Site 16	NB Paringa River	Alan Chant	64 Arthurstown Road RD3	Hokitika	existing bach
Site 1	Waita River	Keith Stewart	19 Neal Street	Temuka	existing bach
Site 2	Waita River	Jade Atherton	1741B Omakau Chatto Creek Rd RD3	Alexandra	licensed, resource consent, building under way
Site 3	Waita River	Tony & Moana Kerr	PO Box 5	Haast	existing bach
Site 4	Waita River	Chris Taylor	20 Donald Street	Temuka	licensed, resource consent, not yet built
Site 6	Waita River	Ross Burling	79 Preston Road	Blaketown	licensed, resource consent, not yet built
Site 1	Kwitchatown (kwitchabarkin)	Peter Reid	532 Grants Road RD 7K	Oamaru	existing bach
Site 1	Kwitchatown	Brian Blacktopp	117 Keogans Road	Hokitika	existing bach
Site 2	Kwitchatown	Brent McDonald	303 Lakeview Terrace RD2	Wanaka	licensed, resource consent, building under way
Site 3	Kwitchatown (kwitchastirrin)	Lindsay & Marie Milburn	10 Hinepango Drive, Rarangi	Blenheim	existing bach
Site 4	Kwitchatown (kwitchacroakin)	Fred Evans	479 Waikawa-Curio Bay Road	RD1 Tokanui	existing bach
Site 5	Kwitchatown (kwitchagrogginess)	Norm Arthur	43 Surrey Road	Whanganui	existing bach
Site 6	Kwitchatown (kwitchafartin)	John Pope	168 Timaru-Temuka Highway	RD 3 Timaru	existing bach
Site 6 A	Kwitchatown	Quintin Roycroft	251 Rosebrook Road RD4	Timaru	existing bach
Site 7	Kwitchatown (kwitchasnitchin)	Jason Cooney	478 Mt Harris Road RD7	Waimate	existing bach
Site 7A	Kwitchatown	Mervyn Wall	682 Beaconsfield Rd, Otipua	RD2 Timaru	existing bach
Site 9	Kwitchatown	Darrin Hall	931 Earnsclough Road RD1	Alexandra	existing bach
Site 11	Kwitchatown (kwitchabelliakin)	Ronald Carson	941 Aubrey Road	Albert Town	existing bach
Site 12	Kwitchatown (kwitchanaggin)	Denis Toomey	37a Newman Street	Timaru	existing bach
Site 13	Kwitchatown (kwitchayappin)	Richard Brown	8 Longwood Drive	Winton	existing bach
Site 1	Nolan Road Okuru River	Mark Nolan	107 Tirohanga Road RD2	Mosgiel	existing bach
Site 2	Nolan Road Okuru River	James & Justine Mills	15 Brandon Street	Alexandra	existing bach
Site 3	Nolan Road Okuru River	Gavin Barclay	196 Miners Road RD6	Christchurch	existing bach
Site 4	Nolan Road Okuru River	Bill Ussher	562 Earnsclough Road RD1	Alexandra	existing bach
Site 5	Nolan Road Okuru River	Jeremy Williams	2 Pioneer Drive	Franz Josef	licensed, resource consent, not yet built
Site 8	Nolan Road Okuru River	Clyde MacIntyre	19 Veint Crescent	Queenstown	resource consent, building consent in progress
Site 9	Nolan Road Okuru River	Mike Mason	PO Box 746	Wanaka	licensed, resource consent, not yet built
Site 2	NB Waiatoto River	John Hewer	PO Box 35	Haast	existing bach
Site 3	NB Waiatoto River	Michael & Mary Kelly	53 Wood Street	Freemans Bay	existing bach

<b>BACHES ON ROAD RESERVE 2017-18</b>					
<b>Site Name</b>	<b>Nominee</b>	<b>Address</b>	<b>Town</b>	<b>Activity</b>	
Site 4	NB Waiatoto River	vacant		vacant land	
Site 5	NB Waiatoto River	Stephen Harrison	32 Halls Road	Waikari	existing bach
<b>SEASONAL SITES</b>					
Site 1 Seasonal Greens Beach Wanganui	Ray Oliver	287B State Highway 6	Hokitika	old shed, development will need consents	
Site 1 Seasonal NB Wanganui River	Joe Beveridge	3436 Karamea Highway RD3	Karamea	self contained caravan	
Site 1 Seasonal SB Wanganui River	Tommy Arnold	PO Box 58	Hari Hari	storage container for whitebait gear	
Site 2A Seasonal SB Wanganui River	John Creagh	17 Reserve Terrace	Lyttelton	2 self contained caravans	
Site 1 Seasonal, Mulvaney Rd, Bruce Bay	Steve Black	19 Muturimu Road	Hannahs Clearing	self contained caravan	
Site 6 Seasonal Nolan Road Okuru	George Wallis	PO Box 100	Wanaka	self contained caravan	
Site 7 Seasonal Nolan Road Okuru	Carolyn & Scott Brady	46a North Branch Road RD1	Milton	self contained caravan	
Site 10 Seasonal Nolan Road Okuru	Gerald Moore	9 Beach St	Waikouaiti	self contained caravan	
Site 11 Seasonal Nolan Road Okuru	Peter & Maureen Rutland	19 Forest Lane Raumati South	Paraparaumu	2 self contained caravans	
Site 1 Seasonal Cuttance Road Okuru	Barry Foster	559 Blenheim Road Sockburn	Christchurch	self contained caravan	
Site 7 Seasonal Waita River	Bruce Keys	7 Allandale Road	Fairlie	licence on hold, did not bait in 2017	
Site 8 Seasonal Waita River	John Benson	20 Arthur St	Fairlie	two tents, using toilet of adjacent house	
Site 9 Seasonal Waita River	Craig Simpson	34 Mountainview Road	Timaru	licence on hold, did not bait in 2017	
<b>OTHER OCCUPATIONS ON ROAD RESERVE</b>					
overhang on One Mile Line Rd	Suzanne Borlase-Gilleland	447a Kumara Junction Hwy	RD2 Hokitika	part of house on legal road	
Town Belt East, Hokitika	Westland Milk Products	PO Box 138	Rolleston	WMP shunting yard	
Lake Kaniere Yacht & Power Boat Club	Colin Stevenson	PO Box 143	Hokitika	club rooms	
Whataroa cnr SH6 & Golden Trees Rd grazing	David Friend	RD1, 4 Berndt Rd	Whataroa	small horse grazing paddock	
Lower Waitangitoana Rd (jetty)	Ken Arnold	PO Box 19	Whataroa	jetty for White Heron Tours	
Site 1 SB Waiatoto River	Wayne & Ruth Allanson	1975 Haast Jackson Bay Rd	Hannahs Clearing	shed for Waiatoto River Safaris	
Site 1 NB Waiatoto River	Michael Buchanan	36 St Catherine St	Kaitangata	aerial runway for Cascade Whitebaiters	
Site 1 Hokitika Gorge	Lisa Harcourt	137 Bellhill Road RD1	Kumara	food caravan	
Farm pole shed Kokatahi Hackells Mill Rd	Andrew & Jody Shaw	184 Hackells Mill Road	Kokatahi	farm shed	
Grimmond Ave Ross	Peter Cornish	PO Box 3	Ross	mining equipment shed	
Jacobs River	Susan Wallace	56 Brittan St	Hokitika	grazing on legal road on Makaawhio land	
Totara Lagoon Farm	Lyn McIntosh	14 Bealey Street	Hokitika	grazing on legal road adjacent to farm	
Paddock Road Blue Spur (Moss Sheds)	Mark Cadigan	58 Brickfield Road	Blue Spur	4 moss sheds on legal road	
<b>Work in progress</b>					
Taramakau	seasonal whitebait shed	Arnold Smith		seeking to locate owner	
Hokitika	house on legal road	Jincy Cornish		on hold, WDC - road stopping?	
Hokitika	yard adjacent to workshop	Service Engineering		sent letter, awaiting response	
Whataroa	bach on north bank?	to check		need to access to check nature of structure	
Whataroa	bach on north bank?	to check		need to access to check nature of structure	
Whataroa	bach on north bank?	to check		need to access to check nature of structure	
Whataroa	bach on north bank?	to check		need to access to check nature of structure	
Arawhata	bach on land adj. to landowner	Guy Cotter		offered license, awaiting reply	

# Taramakau River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 12:42 PM



Scale: 1:5000  
Original Sheet Size A4

Projection NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds 1447329.40843886,5284995 14431041  
1448254.12668955,5286144.75827299

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# One Mile Line Road SH6 Hokitika

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 12:48 PM



house overhangs road

Kaitiaki Junction Highway



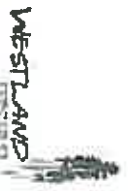
Scale: 1:2560  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds: 1436529.16986682, 5272570.23788178, 1437002.62561118, 5273158.84023062

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# Hokitika River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 12:53 PM



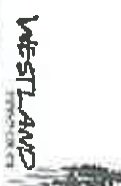
Scale: 1:4,000  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse  
Mercator 2000  
Bounds: 1434062 2488508 5267367 33883151  
1435150 21493 5267967 41350749

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# Paddock Road Blue Spur

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 12:58 PM



Scale: 1:5000  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse  
Mercator 2000  
Bounds: 1435274 56580789 5267347 69610911  
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# Rimu-Woodstock Road

## Site 1

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 1:03 PM



Scale: 1:3500  
Original Sheet Size A4

Projection NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds 1435919.39601146, 5264985.4136863  
1436566.69878694, 5265790.1434601

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The information shown on this plan may not be accurate and is indicative only.

# Hackells Mill Road Kokatahi

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 1:37 PM



Scale: 1:5000  
Original Sheet Size A4

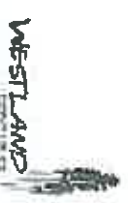
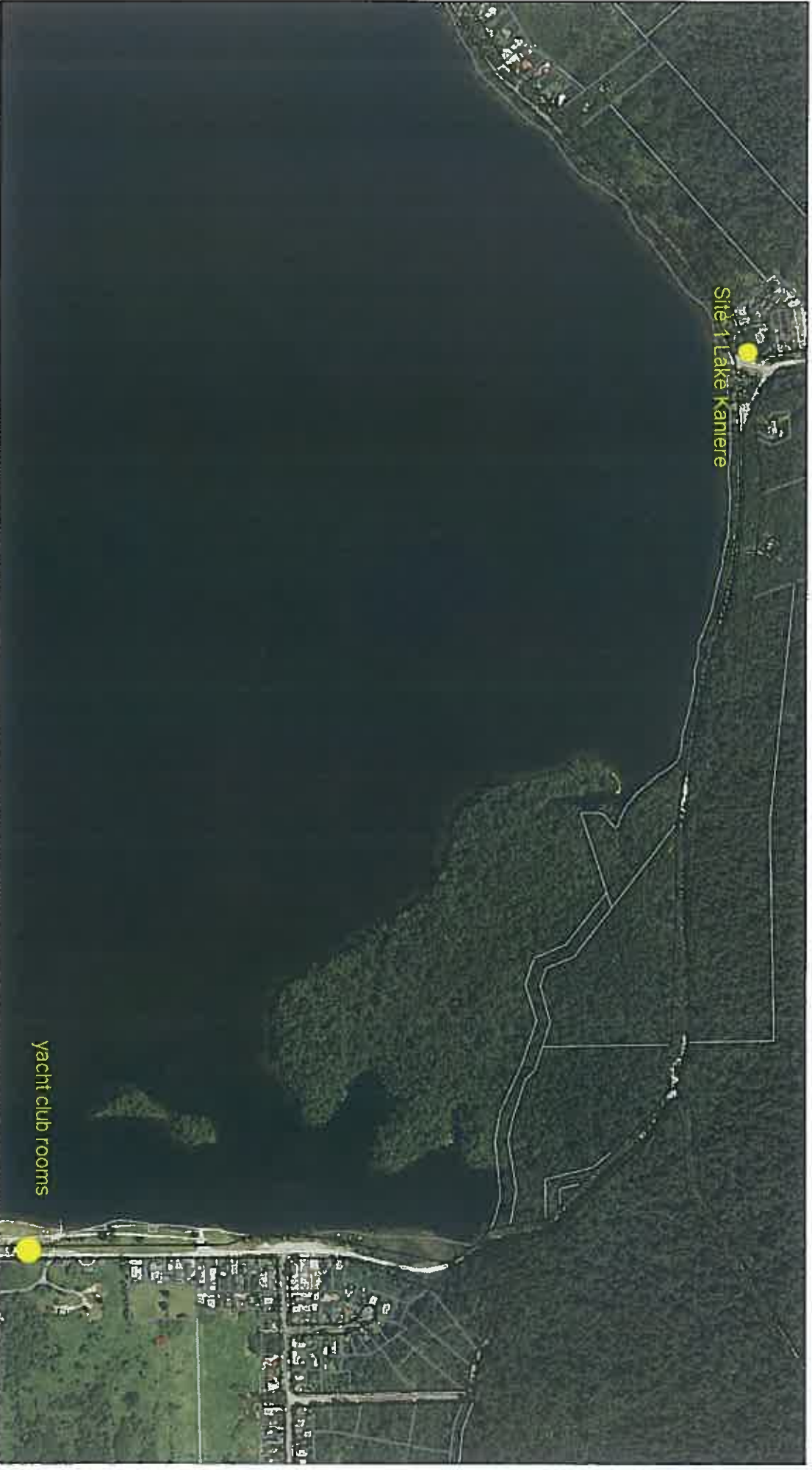
Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds: 1442533.07401788, 5246536.16606924  
1443457.79226852, 5247685.78003176

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# Lake Kanieri

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 1:12 PM



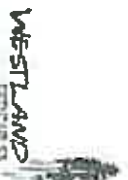
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Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse  
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Bounds: 1447185 20406798 5259680 23175019  
1449497 13198922 5259955 39044661

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# Hokitika Gorge

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 1:20 PM



Scale: 1:2500  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse  
Mercator 2000  
Bounds: 1438018 4296476 5241925 46903598  
1438698 40944922 5242300 51570842

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# Totara Lagoon Farm grazing

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 1:41 PM



Scale: 1:15000  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds: 1423229.49739049,5253535 19211215  
1426003.65214251,5256984 03399985

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# Grimmond Ave Ross

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 1:48 PM



Scale: 1:2200  
Original Sheet Size A4

Projection NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds 1422080.03783103,5247315.42374601  
1422486.91386137,5247821.25388959

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# Waitaha River Site 1

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 1:51 PM



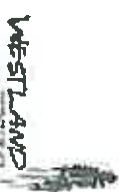
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Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds: 1408717 11263592 5240032 15441606  
1409456 88723648 5240951 84558614

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# Greens Beach

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 2:00 PM



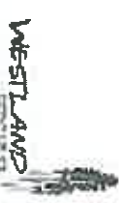
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Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
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1396639 94287998 5234726 52931577

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# Wanganui River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 2:18 PM



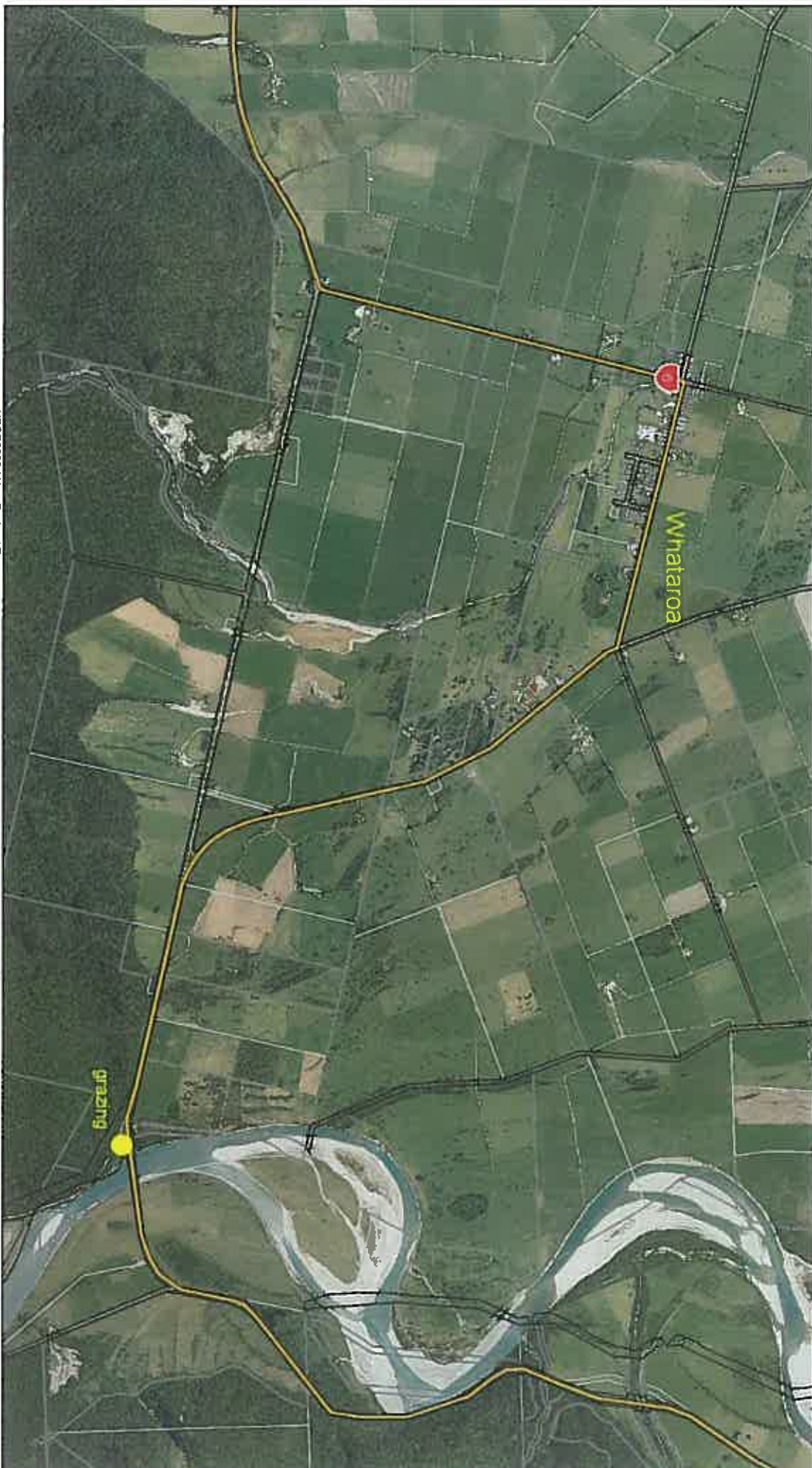
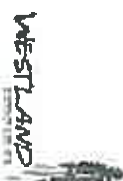
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Projection  
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Mercator 2000  
Bounds  
1391073 29899211 5230976 69350963  
1393249 29115049 5232176 84286157

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# Whataroa River grazing licence

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 2:23 PM



Scale: 1:25000  
Original Sheet Size A4

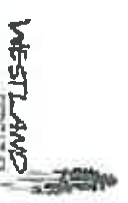
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Bounds  
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1368912 10386172 5203610 76663903  
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# Whataroa River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 2:31 PM



no sites south bank

need to check these sites

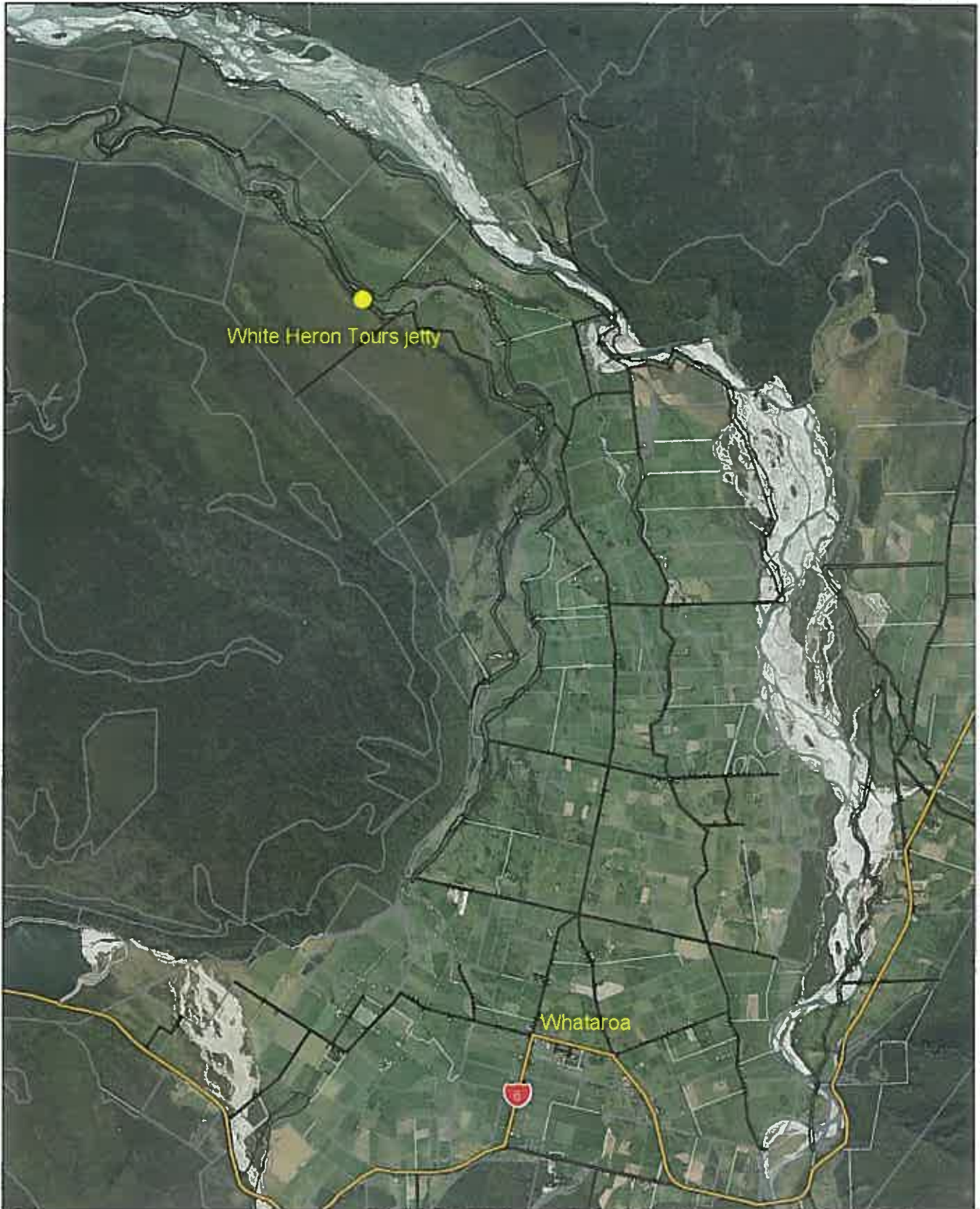
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Projection  
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1379024 05021784 5223178 59732322

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# Whataroa River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 2:35 PM



Scale: 1:80000  
Original Sheet Size A4

Projection NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds 1377607.50968948,5204082 33420007  
1392403.00169992,5222476 15760073

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# Waikukupa River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 2:57 PM



Scale: 1:5000  
Original Sheet Size A4

Projection NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds 1356967 60697473,5196658 59112568  
1357892 32522547,5197808 20508832

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# Ohinetamatea River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 3:07 PM



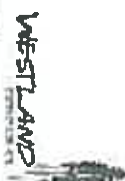
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Bounds 1338035.73022101,5182616.66382284  
1338775.50482159,5183536.35499296

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# Karangarua River north bank

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 3:10 PM



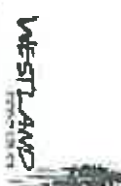
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Original Sheet Size A4

Projection  
Boundary  
NZGD2000 / New Zealand Transverse  
Mercator 2000  
1336796 11969278 5179551 77042487  
1338496 05669162 5180489 38710613

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# Karangarua River south bank

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 3:44 PM



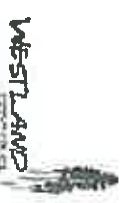
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Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse  
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# Jacobs River

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 3:49 PM



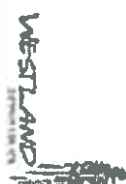
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Original Sheet Size A4


Projection: NZGD2000 / New Zealand Transverse  
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Bounds: 1329383 5588538 5169284 09756691  
1332103 47403342 5170784 28425689

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# Jacobs River Road Reserve

Created By: anonymous  
Print Date: 1/08/2017  
Print Time: 8:37 AM



 Scale: 1:15001  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse  
Mercator 2000  
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1332069 07161894 5171395 21502478

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# Mulvaney Road Bruce Bay

Created By: anonymous  
Print Date: 22/12/2017  
Print Time: 3:56 PM



Scale: 1:10000  
Original Sheet Size A4

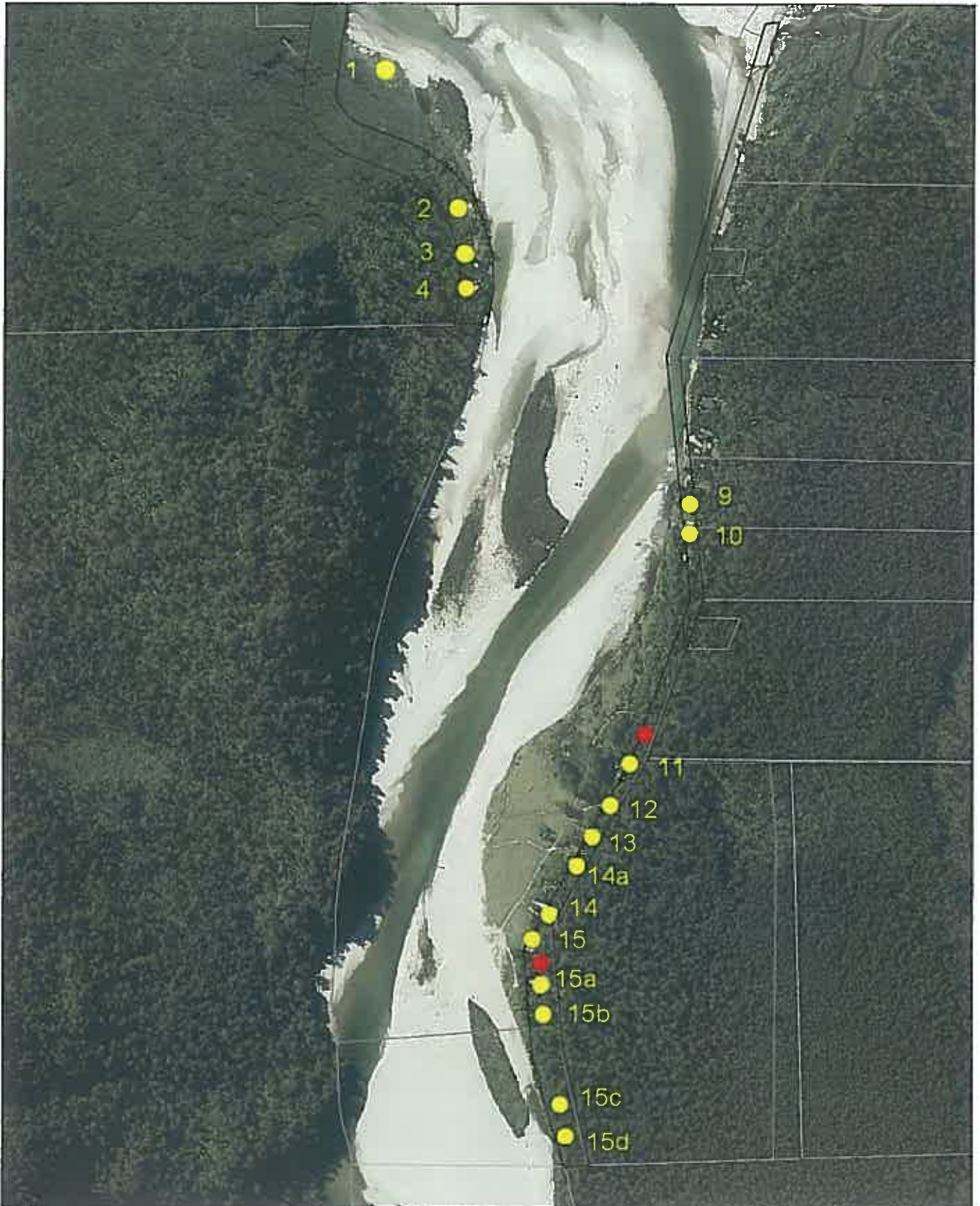
Projection  
Bounds

NZGD2000 / New Zealand Transverse  
Mercator 2000  
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# Paringa River

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 11:27 AM



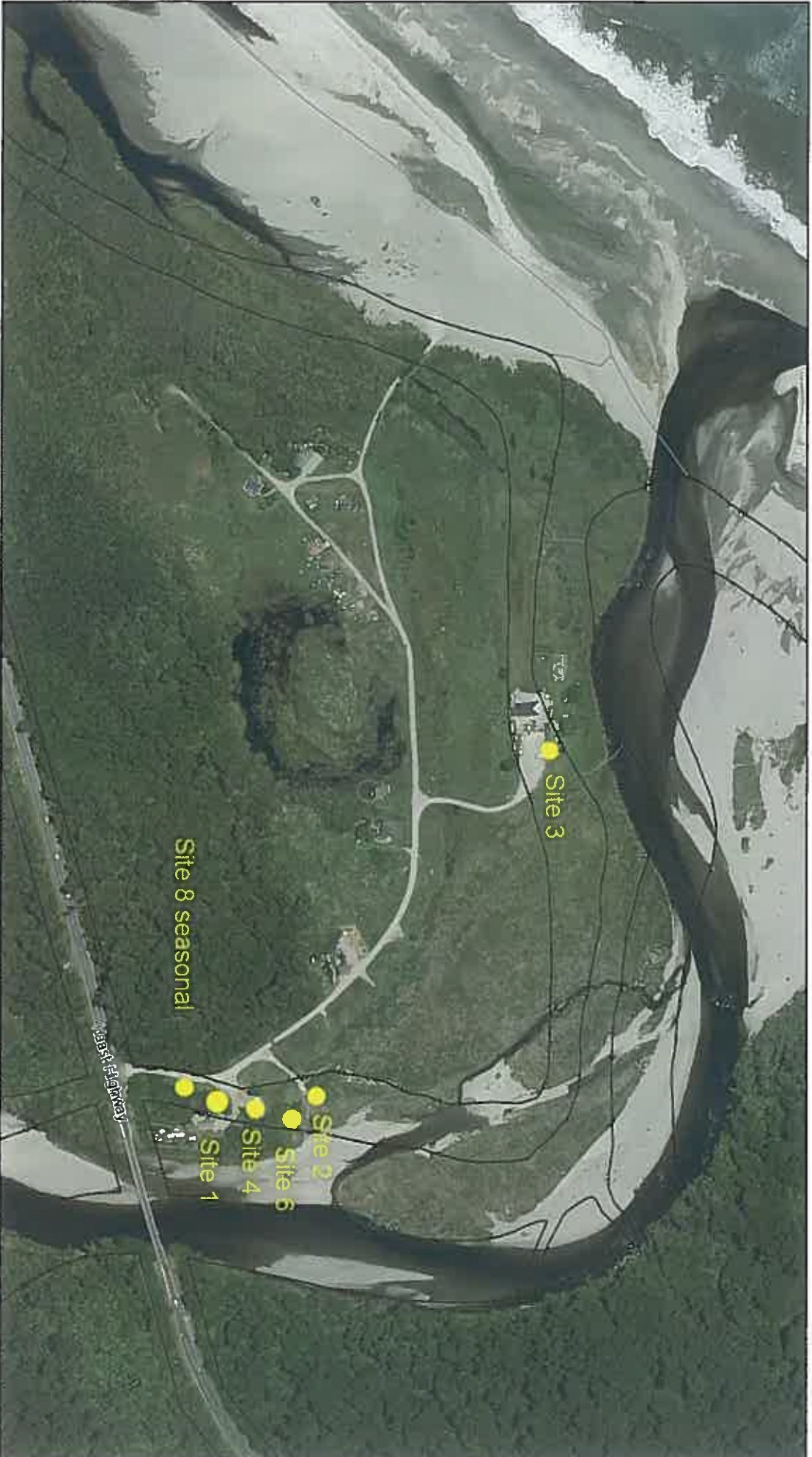
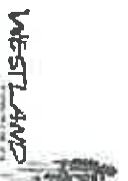
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Projection NZGD2000 / New Zealand Transverse Mercator 2000  
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1313059 98889365 5162745 90886707

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# Waiata River

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 11:44 AM



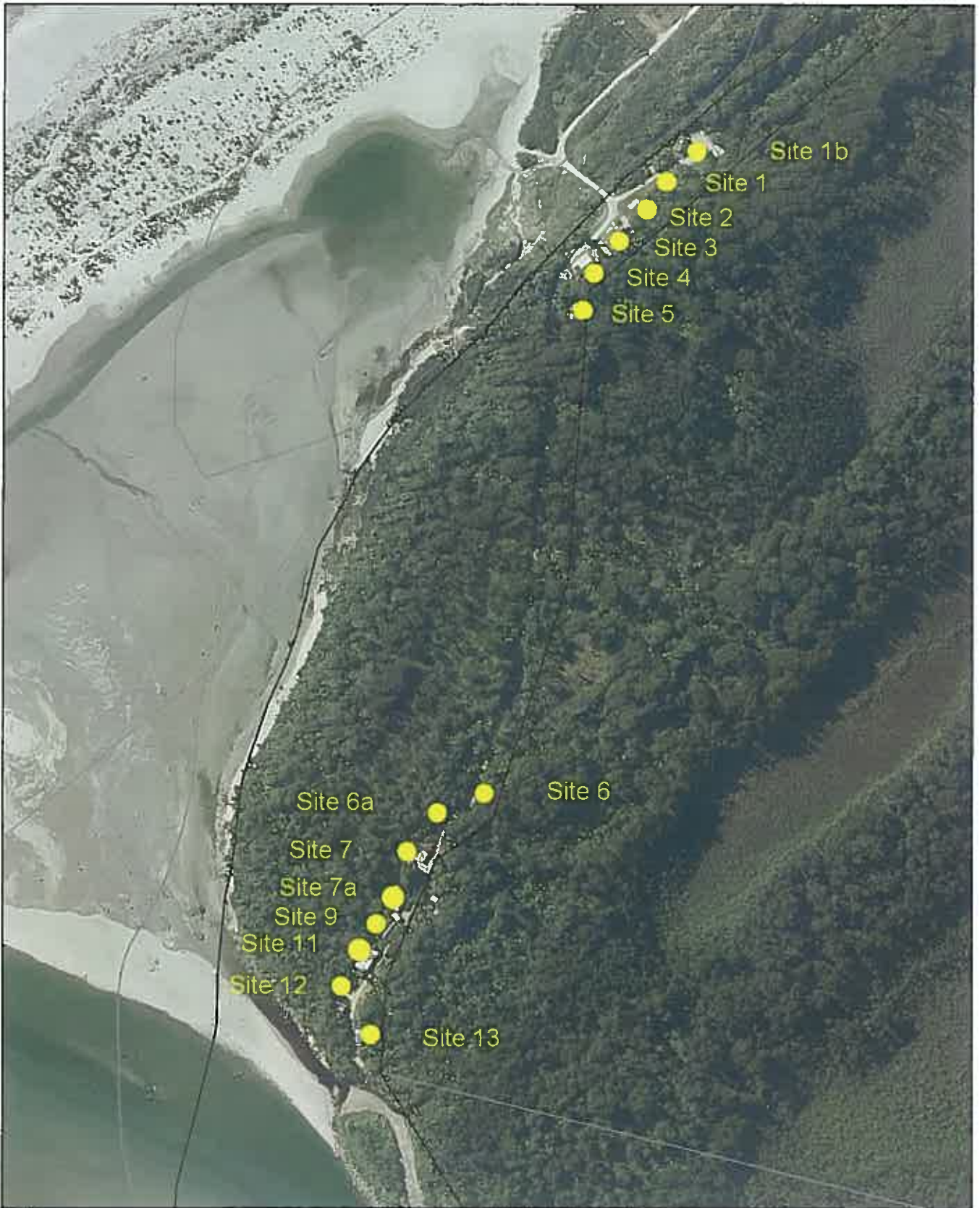
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Original Sheet Size A4

Projection  
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1288165 03198491 5144539 13167602

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# Kwitchatown

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 11:58 AM



Scale: 1:3500  
Original Sheet Size A4

Projection NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds 1281896.26242869,5138614.73629413  
1282543.56520411,5139419.46606786

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# Okuru River

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 1:00 PM



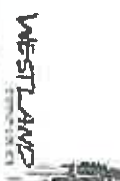
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Original Sheet Size A4

Projection NZGD2000 / New Zealand Transverse Mercator 2000  
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1273045.86438715, 5131176.88832622

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# Turnbull River-Cuttance Road

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 1:09 PM



Site 1 seasonal lawping  
for permanent beach site

Scale: 1:4500  
Original Sheet Size A4

Projection  
NZGD2000 / New Zealand Transverse  
Mercator 2000  
1270656 84077884 5130075 36732756  
1271890 80261806 5130750 45133804

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# Waiatoto River

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 1:18 PM



Scale: 1:5500  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds: 1262221.94262834, 5120300.58222789  
1263239.13270406, 5121565.15758671

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# Arawhata River

Created By: anonymous  
Print Date: 27/12/2017  
Print Time: 1:25 PM



Scale: 1:14500  
Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000  
Bounds: 1251257 08596571 5116327 09834577  
1254031 24071769 5119775 94023343

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# Report



**DATE:** 25 January 2018

**TO:** Mayor and Councillors

**FROM:** Group Manager: Planning, Community & Environment

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## VARIATION TO SPECIFIED PLACES IN LIQUOR BANS BYLAW

### 1 SUMMARY

- 1.1 The purpose of this report is to seek a Council resolution varying the specified places in the Westland District Liquor Bans Bylaw 2007 (“the Bylaw”), to exempt the Sunset Point and Wadeson Island controlled campground areas from the alcohol ban over the weekend of the Hokitika Wildfoods Festival (“Wildfoods”).
- 1.2 This issue arises from the Police notifying Council that they have concerns about safety in the Wildfoods campground areas after some unfortunate incidents last year. Because of this, they indicated they would find it difficult to ‘turn a blind eye’ towards the current Bylaw’s inclusion of those campground areas in the liquor ban area during Wildfoods weekend. Subsequently they have indicated that they would not oppose the Council varying its Bylaw to exempt these campgrounds (as was the case in earlier versions of the Bylaw), as the Council is working with the campground operators to improve arrangements for safety and security.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council resolve, under Section 151 of the Local Government Act 2002 and Clause 4.1 (b) of the Westland District Liquor Bans Bylaw 2007, to exclude the controlled campground areas of Sunset Point and Wadeson Island from the list of ‘Specified Places’ to which a liquor ban applies from 6pm on the Friday before the Hokitika Wildfoods Festival until 8am on the Sunday thereafter.

## 2 BACKGROUND

- 2.1 The Westland District Liquor Bans Bylaw 2007 (reviewed 2013) bans the consumption and/or possession of alcohol in specified places during specified periods, with exclusions for transport in unopened containers. Police have the power to enforce this and issue infringement notices with a \$250 fee. The current Bylaw is attached as Appendix 1.
- 2.2 The Bylaw specifies an area of urban Hokitika west of Brittan Street and from Walker Park in the north to the Hokitika River in the south as a year-round liquor ban area. This includes Sunset Point and the western half of Wadeson Island. For Wildfoods weekend (beginning 6pm on Friday and ending 8am on Sunday), the liquor ban is extended throughout the town, including the whole of Wadeson Island.
- 2.3 The previous Westland District Liquor Bans Bylaw 2005 expressly excluded from the liquor ban area “any controlled camping site established in accordance with the provisions of the Westland District Wildfoods and Other Events Bylaw, 2003.” The Wildfoods / Events Bylaw, which is still in place, only includes Sunset Point as a controlled camping site, not Wadeson Island. In any case, the Westland District Liquor Bans Bylaw 2007 removed this exclusion, and this was unchanged in the most recent review of the Bylaw in 2013. Therefore the alcohol ban applies to Sunset Point and the western half of Wadeson Island year-round, and to both Sunset Point and the whole of Wadeson Island over Wildfoods weekend.
- 2.4 Anecdotally, the alcohol ban has not been strictly enforced in the Sunset Point and Wadeson Island areas in recent years. They have essentially been treated similarly to private campgrounds, where alcohol management is controlled by the campgrounds and patrons themselves. The Police have focused on responding to actual disorder and safety issues rather than patrolling the campgrounds and issuing infringements for ‘open containers’.
- 1.3 Unfortunately, during the 2017 Wildfoods weekend there was an injury at Sunset Point (caused by falling off the Tambo ship replica) and a sexual assault at Wadeson Island. The Police have indicated that special attention needs to be given to these campgrounds this year, and they would find it difficult to ‘turn a blind eye’ towards the fact that those campground areas are not exempt from the Bylaw. Subsequently they have indicated that they would not oppose the Council varying its Bylaw to exempt these campgrounds, as the Council is working with the campground operators to improve arrangements for safety and security.

### 3 CURRENT SITUATION

- 3.1 As per the requirements of the Local Government (Alcohol Reform) Amendment Act 2012, the Council's liquor bylaw must be reviewed within 5 years of the Amendment Act taking effect, i.e. by 13 December 2018. The Bylaw will be reviewed in full along with several other bylaws due for review in mid-2018, with the required Special Consultative Procedure (SCP) taking place alongside the 2018 Long Term Plan consultation process. Because of the SCP's requirement for a one-month consultation period followed by hearing of submissions, there is no time to conduct a full review of the Bylaw prior to the 2018 Wildfoods Event unless there were an urgent Council meeting scheduled for early March.
- 3.2 The Council can, however, exempt the Sunset Point and Wadeson Island campgrounds via passing a resolution and giving 14-day notice that it wishes to vary the 'specified places' in the Bylaw. Section 151 (2) of the Local Government Act 2002 says "A bylaw may leave any matter or thing to be regulated, controlled, or prohibited by the local authority by resolution either generally, for any specified classes of case, or in any particular case." The Council's Liquor Bans Bylaw incorporates this Section 151 provision by stating in Section 4 that "The Council may from time to time make a resolution...(b) varying existing specified places; or (c) varying existing specified periods."
- 3.3 If such a resolution were passed to exempt Sunset Point and Wadeson Island controlled campground areas from the alcohol ban over Wildfoods weekend, the existing Westland District Wildfoods and Other Events Bylaw 2003, which currently includes Sunset Point in its liquor ban area, would remain unamended, but the exemption in the Liquor Bans Bylaw would override that provision as it did in the 2005 Liquor Bans Bylaw. This matter can be tidied up in the future.

### 4 OPTIONS

- 4.1 The following options have been analysed:
- **Option One: Status Quo:** Retain alcohol ban for Sunset Point and Wadeson Island campground areas over Wildfoods weekend.
  - **Option Two: Vary Specified Places** to exempt Sunset Point and Wadeson Island controlled campground areas (mapped in Appendix Two) from the alcohol ban over Wildfoods weekend.

- **Option Three: Widen the Exemption** to include other exemptions for specified public places for specified periods. This could be relevant to plans for other events such as the planned Ute Muster, but would have to be specific as to locations, dates and times. If that information is not available today, a resolution and notice could be made in the future, at least 14 days prior to those events.
- **Option Four: Defer Decision Pending Public Consultation:** This could proceed in one of two ways. One way would be to propose the amendments in the context of a full review of the Westland District Liquor Bans Bylaw later this year, with public consultation as per the Special Consultative Procedure applying to bylaw reviews. Another way would be to put the current proposal out for a few weeks' public consultation as soon after this meeting as practicable, and then have a special Council meeting in early March to make a decision.

## 5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Under the guidance of the Council's Significance and Engagement Policy, the decision to be made today is considered to be of low significance. It affects one regulatory issue (a liquor ban) in two specific places over one weekend per year.
- 5.2 Discussions have taken place with the Police as indicated above. They would have found it difficult to ignore the existing Bylaw but are comfortable with the variation proposed (Option Two) as long as efforts are made by Council and the campground operators to avoid a repeat of last year's incidents.
- 5.3 The majority of the Wildfoods Advisory Committee also supports the proposed variation, though one member is concerned that this would send the wrong signal a year after last year's incidents. The operators of the Sunset Island campground strongly support the variation, back to the way it used to be; they say an enforced liquor ban in their area would effectively kill the campground. The main organiser of the Wadeson Island campground stated a neutral position on the issue, as they consider that alcohol wasn't the main issue for them last year.
- 5.4 It is possible that nearby residents (e.g. on Gibson Quay in relation to Wadeson Island, and on Beach Street in relation to Sunset Point) may consider themselves affected by the proposed variation to the Bylaw. No consultation has been undertaken with them. Option Four above would allow them to provide their views on the pros and cons of an alcohol ban for the two campground areas, though it probably could not occur in time for

this year's Festival.

## 6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option One (Status Quo) has the advantage of acting as a deterrent for excessive alcohol consumption in the two campground areas, by giving the Police infringement powers in relation to alcohol consumption. On the other hand, it might just encourage people to smuggle in alcohol and drink it out of public view (e.g. in their tents), which could be more dangerous than public consumption. It could also lead to people going to private campgrounds where they would have the freedom to consume alcohol, thus depriving the Wildfoods campground operators of income. There are other options to address safety concerns including Council and the Police working with the campground operators in preparation for Wildfoods weekend. Meetings have taken place already in relation to this, and measures such as fencing and increased security are likely.
- 6.2 Option Two (Vary Specified Places) would revert to the policy of the 2005 Bylaw whereby the Wildfoods campsite was exempt from the liquor ban. It has the advantage of putting the controlled campground areas back on the same footing as private campgrounds and avoiding a situation whereby someone carrying a can of beer through the campground could be infringed and fined \$250. The reasons for removing the previous exemption in 2007 are unknown and undocumented, but with Wildfoods attendance having decreased by over half since 2007 it can be argued that the widespread disorder of previous years' festivals has similarly decreased. There are also suggestions that drugs rather than alcohol were the source of last year's problems at the campgrounds. Again, there are other options to prevent alcohol-related harm besides an alcohol ban that are currently being discussed between the Council, the Police and the campground operators. Another advantage of this option is that it can be implemented via Council resolution and public notice, without a consultation period; this means it could be in place in time for the 2018 Wildfoods Festival.
- 6.3 On the other hand, Option Two could be seen as allowing excessive alcohol consumption in the campground areas and limiting the Police's ability to intervene on a pre-emptive rather than reactive basis. It could also be seen as sending the wrong signal a year after last year's unfortunate incidents. Additionally, if the ability to consume alcohol on-site was actively promoted and advertised, the campgrounds could be required to obtain a liquor licence as a 'place of resort.' This option also does not allow for public consultation in the same way as Option Four.

- 6.4 Option Three (Widen the Exemption) has the same advantages and disadvantages as Option Two as a starting point. By going further to specify additional specified places and specified periods to which the alcohol ban would not apply, it could provide for moderate 'BYO' alcohol consumption in certain areas for other upcoming festivals such as the Ute Muster. Widening the exemption today would remove the need for a further Council resolution. On the other hand, without more information on the details of future events, the Council may feel it has inadequate information to widen the exemption today beyond the Wildfoods campgrounds. At a minimum the times, dates and specific places of an exemption from the current liquor ban would need to be specified. There may also be nearby residents affected who have not yet been consulted, and the matter has not yet been discussed with the Police. There is time for a further report, if required, to obtain a resolution relating to the Ute Muster or other future events.
- 6.5 Option Four (Defer Decision Pending Public Consultation) would have the main advantage of getting feedback from anyone who considers themselves potentially affected. If the consultation occurred later this year, it could benefit from being put into the context of the overall Liquor Bans Bylaw. The disadvantages are around timing. Deferring a decision until the comprehensive bylaw review later this year would not allow the exemptions to be in place in time for this year's Wildfoods Festival. The other sub-option of attempting to conduct public consultation between today's meeting and the 2018 Wildfoods Festival would mean that hearings and an extraordinary Council meeting to decide on the matter would need to be scheduled for early March. This would put considerable strain on the Council including its staff at a busy time for the Long Term Plan process, and it would not allow much time to inform the public about any changes before the event.
- 6.6 It is important to note that a ban on 'glass drinking vessels or containers' would stay in place as per the separate Westland District Wildfoods and Other Events Bylaw 2003.

## **7 PREFERRED OPTION AND REASONS**

- 7.1 The preferred option is Option Two, to exempt the controlled campground areas of Sunset Point and Wadeson Island from the list and map of 'Specified Places' to which a liquor ban applies from 6pm on the Friday before the Hokitika Wildfoods Festival until 8am on the Sunday thereafter. The reasons are that this option is allowed for by legislation and the Council's own bylaw, the Police do not oppose this change, it can be done in time for the 2018 Festival, it allows for responsible consumption at Wildfoods campgrounds as is allowed in private campgrounds, and it acknowledges that other efforts are

underway to increase safety and reduce the likelihood of alcohol-related harm in the Wildfoods campground areas.

- 7.2 Similar exemptions can be put in place for other events in the future, via report and resolution at least 14 days in advance, once details are known.

## 8 RECOMMENDATIONS

- A) **THAT** Council resolve, under Section 151 of the Local Government Act 2002 and Clause 4.1 (b) of the Westland District Liquor Bans Bylaw 2007, to exclude the controlled campground areas of Sunset Point and Wadeson Island (mapped in Appendix 2) from the list of 'Specified Places' to which a liquor ban applies from 6pm on the Friday before the Hokitika Wildfoods Festival until 8am on the Sunday thereafter.
- B) **THAT** Council note that a similar resolution to the above is likely to be recommended in February or March with respect to the Ute Muster event over Easter weekend, once specific areas and times are known.

**Jim Ebenhoh**

**GROUP MANAGER: PLANNING, COMMUNITY AND ENVIRONMENT**

**Appendix 1:** Westland District Liquor Bans Bylaw 2007

**Appendix 2:** Map of Sunset Point and Wadeson Island controlled campground areas

## **Explanatory Note**

The Local Government Act 2002 gives Council the power to control the consumption and possession of liquor in public places. The Council can use this power generally, to create on-going liquor bans in public places, or to ban liquor for one-off special events or occasions in public places.

The aim of this bylaw is to control the consumption of alcohol in those public places where Council is concerned that the possession of liquor in the public place, whether generally or over a specified period may result in disorderly behaviour and criminal offending.

This bylaw was reviewed in 2012 pursuant to the provisions of section 158 of the Local Government Act 2004. The review resulted in the consolidation of provisions relating to various liquor control resolutions and other minor amendments.

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Pursuant to the powers vested in it by the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

## **1. SHORT TITLE AND COMMENCEMENT**

- 1.1 This bylaw shall be known as the Westland District Liquor Bans Bylaw 2007.
- 1.2 This bylaw shall come into effect on the twenty-first day after the confirmation thereof.

## **2. INTERPRETATION**

- 2.1 This Bylaw unless the context otherwise requires:

“Act” means the Local Government Act 2002.

“Council” means the Westland District Council.

“licensed premises” means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989.

“liquor” has the meaning given to it by the Sale of Liquor Act 1989.

“liquor control resolution” means a resolution of the Council pursuant to clause 4.1.



“offence” means an offence under section 239 of the Local Government Act 2002 that is a breach of a bylaw prohibiting-

- (a) the consumption or possession or both of liquor in, or the bringing of liquor into, a public place; or
- (b) in conjunction with a prohibition relating to liquor, the presence or use of a vehicle in a public place.

“public place”:

- (a) means a place:
  - (i) that is under the control of the Council; and
  - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) includes:
  - (i) a road, whether or not the road is under the control of the Council; and
  - (ii) any part of a public place.

“special licence” means a licence granted under part 4 of the Sale of Liquor Act 1989.

“specified period” means the period or periods specified in:

- (a) the Schedule (as varied by any subsequent liquor control resolution); or
- (b) a liquor control resolution, during which the consumption, bringing or possession of liquor is prohibited in a specified place and publicly notified in accordance with clause 4 of this bylaw.

“specified place” means a public place specified in:

- (a) the Schedule (as varied by any subsequent liquor control resolution); or
- (b) a liquor control resolution, at which the consumption, bringing or possession of liquor is prohibited during a specified period and publicly notified in accordance with clause 4 of this bylaw.

### **3. LIQUOR PROHIBITION REGULATION AND CONTROL**

- 3.1 No person shall:
- (a) bring liquor to a specified place, during the specified period or specified periods relating to that specified place; or
  - (b) consume or possess liquor at a specified place, during the specified period or specified periods relating to that specified place.
- 3.2 Every person shall comply with the terms of a liquor control resolution prohibiting, regulating or otherwise controlling:
- (a) the consumption of liquor in a public place; or
  - (b) the bringing of liquor into a public place; or
  - (c) the possession of liquor in a public place; or
  - (d) in conjunction with a prohibition relating to liquor under paragraphs (a) to (c) of this clause 3.2, the presence or use of a vehicle in a public place.

### **4. LIQUOR CONTROL RESOLUTION**

- 4.1 The Council may from time to time make a resolution:
- (a) prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods:
    - (i) the consumption of liquor in a public place; or
    - (ii) the bringing of liquor into a public place; or
    - (iii) the possession of liquor in a public place; or
    - (iv) in conjunction with a prohibition relating to liquor under paragraphs (i) to (iii), the presence or use of a vehicle in a public place; or
  - (b) varying existing specified places; or
  - (c) varying existing specified periods.
- 4.2 Every resolution made pursuant to this clause shall be publicly notified at least 14 days before it shall take effect.

## **5. EXCLUSIONS**

- 5.1 Notwithstanding any other provision in this Bylaw, in the case of liquor in an unopened bottle or other unopened container, this Bylaw does not prohibit and no liquor control resolution made pursuant to this Bylaw shall have the effect of prohibiting the transport of that liquor:
- (a) from outside a public place for delivery to, or consumption on, licensed premises that adjoin the public place; or
  - (b) from licensed premises that adjoin a public place, provided the liquor is promptly removed from the public place; or
  - (c) from outside a public place to premises that adjoin a public place by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
  - (d) from premises that adjoin a public place to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

## **6. POWERS OF ARREST, SEARCH AND SEIZURE**

- 6.1 This Bylaw authorises a member of the police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act.

## **7. PENALTY**

Any person who commits a breach of this bylaw is on conviction liable to a fine not exceeding \$20,000.00.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the 25<sup>th</sup> day of October 2007 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 13<sup>th</sup> day of December, 2007.

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL  
was affixed in the presence of:

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Mayor

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Chief Executive

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on the twenty-eighth day of February 2013.**

## SCHEDULE

1. Subject to the exceptions listed in Clause 5 (above), the specified places and specified periods relating to those specified places are:

<b>Place</b>	<b>Period</b>
<p>All that area consisting of the public places administered by the Westland District Council, including legal roads and public reserves, more particularly described as bounded by the following:</p> <p>(1) Commencing at a point on the Mean High Water Mark at Sunset Point, then in a northerly direction along the Mean High Water Mark to a point in line with the northern boundary of RS 6659 (Walker Park) then south-easterly to a point that meets with a line which is the extension of the east side of Brittan Street, then south-westerly along that line and along the eastern side of Brittan Street to the true right bank of the Hokitika River thence westerly generally along the true right bank of the Hokitika River to the Mean High Water Mark to the point of commencement, as delineated and shown on the attached map marked "A".</p> <p>(2) All that area of public reserve described as RES 495 (Cass Square) and shown on the attached map marked "A".</p> <p>(3) Commencing at a point on the Mean High Water Mark in line with the north side of Richards Drive, then in a south-easterly direction along the north side of Richards Drive and its continuation across Fitzherbert Street to the western boundary of the Hokitika Cemetery, then south-westerly then south-easterly along the boundary of the Hokitika Cemetery to the western boundary of the Hokitika Airport, thence generally south-westerly and south-easterly along the</p>	<p>From 8.00 pm on any day till 6.00am the following day. 24 hours each day on every day of the week.</p> <p>From 6.00 pm on the Friday before the Hokitika Wildfoods Festival till 8.00 am on the Sunday thereafter.</p>

<p>boundary of the Hokitika Airport to the northern boundary of the Hokitika Racecourse, then south-westerly, north-westerly, south-westerly and south-easterly generally along the boundary of the Hokitika Racecourse to a point in line with the eastern side of Town Belt East, thence south-westerly along the eastern side of Town Belt east and its continuation to the true right bank of the Hokitika River, thence westerly generally along the true right bank of the Hokitika River to the Mean High Water Mark, thence northerly generally along the Mean High Water Mark to the point of commencement as delineated and shown on the attached map marked "B".</p>	
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2. The specified places do not include:
- (a) any public place which is also a licensed premises or part of a licensed premises during any period in which the licensee is serving or allowing consumption of liquor on those licensed premises; and
  - (b) any public place or part of a public place during any period in which that public place or part of a public place is the subject of a special licence granted pursuant to the provisions of the Sale of Liquor Act 1989.

A



# The Map Referred to in the Schedule as Map "A"



 Liquor Ban Area

# The Map Referred to in the Schedule as Map "B"





# Appendix 2

## Map of Sunset Point and Wadeson Island controlled campground areas



0 200  
metres

Scale: 1:4,000